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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Edy Noe Baten Perez,

Petitioner-Plaintiff,

v.

John Cantu, Field Office Director, Phoenix Field Office, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security;

Kristi Noem, Secretary, U.S. Department of Homeland Security;

Pamela Bondi, Attorney General of the United States;

Fred Figueroa, Warden of Eloy Detention Center; and

Todd Lyons, Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security;

Respondents-Defendants.

Case No. 2:25-CV-_____

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Challenge to Unlawful Incarceration Under Color of Immigration Detention Statutes; Request for Declaratory and Injunctive Relief

INTRODUCTION

1. Since at least the passage of the Immigration and Nationality Act of 1952, noncitizens who entered the country illegally could generally be released on bond while their removal proceedings were pending. Yet earlier this year, U.S. Immigration and Customs Enforcement (ICE) "revisited" its position and determined that all noncitizens who are present without admission are subject to mandatory detention while in removal proceedings. The Board of Immigration Appeals (BIA) recently reached the same conclusion in a precedential decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding for the first time that all noncitizens who entered the country without admission are categorically ineligible for bond regardless of how long they have lived in the United States.

2. Dozens of federal judges have already found the government's novel interpretation incompatible with the INA. *See infra* nn. 3 & 4. The provision on which the government relies states that noncitizens who are "seeking admission" are subject to mandatory detention while in removal proceedings. 8 U.S.C. § 1225(b)(2)(A). Congress defined "admission" as the "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). Thus, by its plain terms, the provision only applies to noncitizens who present themselves at a port of entry. And in addition to disregarding the plain of § 1225(b)(2)(A), the government's contrary interpretation renders superfluous other provisions of the INA that require the mandatory detention of noncitizens who have engaged in criminal activity—including a provision, § 1226(c)(1)(E), enacted this year in the Laken Riley Act.

3. The government's argument also flouts the Justice Department's own regulations. Since 1997, the Justice Department has precluded immigration judges from granting bond to so-called "arriving aliens"—*i.e.*, those who seek admission at a port of entry—but not to those who entered the country without inspection. This distinction was the result of a deliberate choice made by the Attorney General following the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, Div. C, 110 Stat. 3009-546. And under bedrock principles of administrative law, agencies cannot "overrule" by adjudication regulations that were promulgated after notice and comment. *Patel v. INS*, 638 F.2d 1199, 1202 (9th Cir. 1980).

4. As a result of the government's new interpretation, every noncitizen who entered the country without being admitted is subject to mandatory detention for the duration of their removal proceedings. One of those noncitizens is Petitioner Edy Noe Baten Perez, who entered the United States in 2004 and has two U.S. citizen children, aged 2 and 9 months. A resident of Virginia, he was encountered by immigration agents while tending to his car on the side of the road and transferred to a federal detention center in Arizona. Absent this Court's intervention, he will remain detained for the duration of his removal proceedings, thousands of miles from his family and attorney.

CUSTODY

5. Petitioner is detained by DHS at the Eloy Detention Center in Eloy, Arizona. The Eloy Detention Center is within the jurisdiction of this Court. Prior to and since being arrested by ICE, Petitioner has not been provided with a constitutionally compliant hearing to assess whether his detention is warranted, or lawful.

JURISDICTION

6. Petitioner is in the physical custody of Respondents. He is detained at the Eloy Detention Center in Eloy, Arizona.

7. This Court has subject matter 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).

8. 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.

9. The "zipper clause" at 8 U.S.C. § 1252(b)(9), which channels "[j]udicial review of all questions of law . . . including interpretation and application of constitutional and statutory provisions, arising from any action taken . . . to remove an alien from the United States" to the appropriate federal court of appeals, does not apply because that section applies only to review of removal orders, and Petitioners do not seek review of orders of removal but of custody. *Maldonado Bautista et al. v. Santacruz, et al.,* No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025), Order Granting Temporary Restraining Order, Dkt. 14 at 4-5.

10. The bar to review at 8 U.S.C. § 1252(g) strips all courts of jurisdiction to hear "any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter." The Supreme Court previously characterized § 1252(g) as a narrow provision, applying "only to three discrete actions that the Attorney General may take: her 'decision or action' to '*commence* proceedings, *adjudicate* cases,

or *execute* removal orders.'" *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (emphasis in original). In doing so, the Supreme Court found it "implausible that the mention of *three discrete events* along the road to deportation was a shorthand way to referring to *all claims arising from* deportation proceedings." *Id.* (emphasis added). Petitioner's challenge to his detention does not fall within these discrete actions. *Maldonado Bautista et al. v. Santacruz, et al.,* No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025), Order Granting Temporary Restraining Order, Dkt. 14 at 5.

11. Subsection 2 of 8 U.S.C. § 1252(a), titled "Judicial Review of Orders of Removal," contains four subsections, which outline categories of claims that are not subject to judicial review. § 1252(a)(2)(A)–(D). None of these subsections precluding judicial review apply to this matter, as the specified statutory provisions do not cite § 1225(b)(2)(A) or § 1226(a), which are the two provisions Petitioner challenges. Thus, no part of § 1252 deprives this Court of jurisdiction. *Maldonado Bautista et al. v. Santacruz, et al.,* No. 5:25-cv-01873-SSS-BFM (C.D. Calif. July 28, 2025), Order Granting Temporary Restraining Order, Dkt. 14 at 6. As such, the Court has jurisdiction over Petitioner's challenge to his detention.

VENUE

12. 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 Arizona, the judicial district in which Petitioner currently is detained.

13. 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 District of Arizona.

REQUIREMENTS OF 28 U.S.C. § 2243

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

15. 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).

PARTIES

16. Petitioner Edy Noe Baten Perez is a 37-year-old citizen of Honduras. He entered the country in 2004 and has remained ever since. An IJ found that he is subject to mandatory detention under a statute that applies to noncitizens who are "seeking

admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). He is presently detained at the Eloy Detention Center in Eloy, Arizona.

17. Respondent John Cantu is the Director of the Phoenix Field Office of ICE's Enforcement and Removal Operations division, which oversees operations the Eloy Detention Center. As such, Mr. Cantú is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

19. Respondent Pamela Bondi is the United States Attorney General. She is responsible for the Executive Office for Immigration Review ("EOIR"), which is the component of the U.S. Department of Justice that is responsible for implementing and enforcing the INA in removal proceedings, including for custody redetermination in bond hearings.

20. Respondent Fred Figueroa is employed by CoreCivic as Warden of the Eloy Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

21. Respondent Todd Lyons is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE, he is the legal custodian of Petitioner.

STATEMENT OF FACTS

22. Petitioner is a 37-year-old native and citizen of Guatemala. He entered the country without inspection in April 2004, shortly before his 18th birthday. He and his wife married in September 2016, and together they have two U.S. citizen children: a daughter, aged 2, and a son, aged 9 months. Petitioner's daughter, K[redacted] was born prematurely at 28 weeks and suffers from bronchopulmonary dysplasia. Respondent is also the stepfather to three children his wife has from a prior relationship, one of whom is a lawful permanent resident (LPR).

23. Petitioner was initially apprehended by immigration authorities in February 2017. He was arrested on a warrant issued "pursuant to section[] 236" of the INA, or § 1226, Exh. A, and was released upon the posting of a $1,500 bond, again "[p]ursuant to the authority contained in section 236" of the INA, or § 1226. Exh. B. DHS also issued a Notice to Appear in removal proceedings in which it did not allege that Petitioner was an arriving alien but, instead, was present without being admitted or paroled. Exh. C.

24. In July 2025, DHS encountered Petitioner while he was on the side of the road having car trouble. DHS took Petitioner back into custody and transferred him to a detention center in Florence, Arizona.

25. On July 31, 2025, Petitioner filed a bond motion asking the Immigration Judge to order his release upon the posting of the lowest possible bond. On August 6, 2025, the Immigration Judge denied Petitioner motion without a hearing upon finding he was subject to mandatory detention under § 1225(b)(2)(A). Exh. D.

26. Petitioner filed an administrative appeal with the BIA. On the same day that the BIA issued a briefing schedule, the Board published its aforementioned decision in *Matter of Yajure Hurtado*, holding that noncitizens who are present without admission are subject to mandatory detention under § 1225(b)(2)(A). In his brief, Petitioner conceded that he was subject to mandatory detention under *Matter of Yajure Hurtado* and asked the BIA to overrule its decision.

LEGAL FRAMEWORK

Immigration and Nationality Act and Federal Regulations

27. The INA prescribes three basic forms of detention for the vast majority of noncitizens who are alleged or found to be removable from the United States.

28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an 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 engaged in specified criminal and terrorist activity are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

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

30. 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).

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

32. 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 1225(b)(2)(A) states that if an "examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for [removal proceedings." The IIRIRA also defined "admission" in 8 U.S.C. § 1101(a)(13)(A) as the "lawful entry of the alien into the United States after inspection and authorization by an immigration officer." § 301, 110 Stat. 3009-575.

33. Consistent with these statutory provisions, federal regulations preclude immigration judges from granting bond to "arriving aliens," 8 C.F.R. 1003.19(h)(1)(B)(ii), a phrase defined in relevant part as "applicant[s] for admission coming or attempting to come into the United States at a port-of-entry." 8 C.F.R. § 1001.1(q). The decision to preclude immigration judges from granting bond to arriving aliens—as distinct from all noncitizens who entered without admission—was the product of notice and comment rulemaking in early 1997 following the enactment of the IIRIRA.

34. As the regulations were initially proposed, all "[i]nadmissible aliens in removal proceedings" would have been ineligible for bond. *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal*, 62 Fed. Reg. 444, 483 (Jan. 3, 1997). After receiving comments, however, the Attorney General deleted the proposed provision and replaced it with one that would apply only to

"[a]rriving aliens."[1] *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10361 (March 6, 1997). As the Attorney General explained, "[t]he effect of this change [was] that inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge, while arriving aliens do not." *Id.* at 10323. In other words, "aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." *Id.*

35. 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. 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)).

36. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025). Congress provided that noncitizens who entered the country without being admitted are subject to mandatory detention if they were thereafter charged with, arrested for, convicted of, or admitted committing various offenses. § 1226(c)(1)(E). As may be apparent, this provision would be superfluous if all

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[1] This provision was originally promulgated as 8 C.F.R. 236.1(c)(5)(i) and was later transferred to 8 C.F.R. 1003.19(h)(2)(i)(B).

noncitizens who were present without admission were already subject to mandatory detention under § 1225(b)(2)(A).

DHS and DOJ Policy: Interim Guidance

37. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected this well-established understanding of the statutory framework and reversed decades of practice. *See* Exh. 2 (Interim Guidance). Although the Interim Guidance was not released publicly through official channels, it has been widely reported that ICE released the Interim Guidance internally regarding a change in their longstanding interpretation of which noncitizens are eligible for release on bond; specifically, pursuant to the Interim Guidance, ICE argues that only those already admitted to the United States (for example as lawful permanent residents, nonimmigrants, or refugees) are eligible to be released from custody during their removal proceedings, and that all others are treated subject to 8 U.S.C. § 1225, instead of 8 U.S.C. § 1226, and will remain detained with only extremely limited parole options at ICE's discretion. Exh. 2 (Interim Guidance).

38. In other words, the new ICE policy claims that *all* persons who entered the United States without inspection shall now be deemed "applicants for admission" under 8 U.S.C. § 1225, and that all applicants for admission are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when or where a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

DOJ Policy: Published BIA Decision

39. EOIR formalized its coordination with ICE on September 5, 2025, by publishing *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). In *Matter of Yajure Hurtado*, the BIA held that 8 U.S.C. § 1225(b)(2)(A) requires the detention throughout removal proceedings of any "inadmissible alien," including those who entered the United States without inspection and have resided in this country for years. 29 I. & N. Dec. at 219-20. The Board acknowledged that § 1225(b)(2)(A) only applies to noncitizens who are "seeking admission" but concluded that Mr. Yajure Hurtado was "seeking admission"—despite having lived in the country for years—because it believed that he would have no "legal status" unless he was seeking admission. *Id.* at 220-21. The Board determined, without explaining its reasoning, that a "lawful status" is necessary to be eligible for a bond hearing under 8 U.S.C. § 1226. *Id.* at 221.

40. The Board next addressed Mr. Yajure Hurtado's argument that its interpretation of 8 U.S.C. § 1225(b)(2)(A) would render superfluous the recent amendments to 8 U.S.C. § 1226(c) in the Laken Riley Act, which require detention of individuals who entered the United States without inspection and are arrested for, charged with, or convicted of certain types of crimes. 29 I. & N. Dec. at 221. The Board concluded that the new provisions in 8 U.S.C. § 1226(c) did not "purport[] to alter or undermine" 8 U.S.C. § 1225(b)(2)(A). *Id.* at 221-22. However, the Board explicitly conceded that under its reading of the INA, 8 U.S.C. § 1226(c) is duplicative of 8 U.S.C. § 1225(b)(2)(A) as to the "subset" of individuals who entered the United States without inspection. *Id.* at 222.

41. The Board recited the legislative history of IIRIRA's changes to the detention provisions of the INA, focusing on the transition from a framework focused on entry (prior to IIRIRA) to one focused on admission (after IIRIRA). *Id.* at 222-25. The Board spilled much ink on IIRIRA's expansion of "applicants for admission" as a term of art to include individuals who entered the United States without inspection, but it did not identify a single report or statement that would suggest that such individuals are also "seeking admission" as required for 8 U.S.C. § 1225(b)(2)(A) to govern their custody status. *See id.*

42. The Board proceeded with the audacious claim that *Loper Bright Enterprises v. Raimundo*, 603 U.S. 369 (2024), did not counsel deference to decades of its own uninterrupted practice of conducting bond hearings under 8 U.S.C. § 1226 for individuals who entered the United States without inspection. 29 I. & N. Dec. at 225-26 & n.6. The Board reasoned that such deference was not required because its own practice (in perhaps millions of cases throughout the years, up to and including a published decision issued on June 30, 2025, *see Matter of Akhmedov*, 29 I. & N. Dec. 166 (BIA 2025)), was in violation of "clear and explicit" statutory language allegedly "requiring mandatory detention of all aliens who are applicants for admission." *Id.* at 226.

43. In order to expand the category of individuals subject to mandatory detention, the Board also had to explain away ICE's issuance of an arrest warrant for Mr. Yajure under 8 U.S.C. § 1226. Absent any meaningful basis to justify detaining someone under a statute that did not govern his case, the Board simply dismissed the concern by stating that "mere issuance of an arrest warrant does not endow an Immigration Judge

with authority to set bond for an alien who falls under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A)." *Id.* at 227.

44. The Board concluded by citing a few other cases interpreting the "applicants for admission" language of 8 U.S.C. § 1225(b)(2)(A), without ever seriously engaging with the distinct "seeking admission" language that is also included in that provision. *Id.* at 228. Finally, the Board showed its hand by acknowledging its preferred policy outcome, that it did not believe "Congress intended that aliens unlawfully entering the United States without inspection, particularly those who successfully evaded apprehension for more than 2 years, be rewarded with the opportunity for a bond hearing before an Immigration Judge, whereas aliens who present themselves to officers at a port of entry are ineligible for a bond hearing." *Id.*

Exhaustion and Futility

45. Exhaustion of administrative remedies is required "[w]here Congress specifically mandates." *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). But where, as here "Congress has not clearly required exhaustion, sound judicial discretion governs." *Id.* (citations omitted). Under these principles, prudential exhaustion is not required where a request for relief before the agency would be futile because the agency has "predetermined the issue before it." *Id.* at 148. Furthermore, "a court may waive the prudential exhaustion requirement if 'administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.'" *Hernandez v.*

Sessions, 872 F.3d 976, 988 (9th Cir. 2017) (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)).

46. The BIA's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, renders prudential exhaustion futile in bond cases involving individuals who entered the United States without inspection. *Zaragoza Mosqueda, et al. v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025). Although Petitioner has a pending appeal at the BIA, *Matter of Yajure Hurtado* "predetermine[s]" the outcome of that appeal. *McCarthy*, 503 U.S. at 148. Prudential exhaustion is therefore unnecessary, and the Court should take jurisdiction over Petitioner's case.

Deference Principles Following *Loper Bright*

47. The Supreme Court's decision in *Chevron v. NRDC*, 467 U.S. 837 (1984), instructed courts to defer to administrative agency interpretations of ambiguous statutes. In *Loper Bright Enterprises v. Ramiundo*, 603 U.S. 369 (2024), the Supreme Court overruled *Chevron* and held that the APA requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority. The Supreme Court concluded that statutory ambiguity does not call for deference to the agency's interpretation. *See Loper Bright*, 603 U.S. at 402-03.

48. Where a statute is ambiguous, courts may now apply the framework set forth in *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944), rather than the *Chevron* framework. *See Loper Bright*, 603 U.S. at 394. Under *Skidmore*, the question is whether the agency's reasoning—although not binding—has the "power to persuade" based on "the thoroughness evident in its consideration, the validity of its reasoning, [and] its

consistency with earlier and later pronouncements." 323 U.S. at 140. In other words, *Skidmore* deference is discretionary, and courts retain the authority to adopt or reject the agency's view based on its merits.

49. The BIA's decision in *Matter of Yajure Hurtado* does not satisfy the requirements for deference under *Skidmore*. First, the BIA in *Matter of Yajure Hurtado* analyzed the history of the statutory phrase "applicants for admission" in some detail, despite Mr. Yajure's concession on this issue, but it did not provide any meaningful analysis of the plain language, statutory context, or legislative history of the distinct phrase "seeking admission," which is also required for 8 U.S.C. § 1225(b)(2)(A) to apply. Therefore, the BIA's decision lacks the "thoroughness" required for deference under *Skidmore* and *Loper Bright.* 323 U.S. at 140.

50. The BIA's reasoning in *Matter of Yajure Hurtado* lacks "validity" because it does not contend in any way with the fact that the plain language of the statute imposes not one but two different requirements to invoke mandatory detention under 8 U.S.C. § 1225(b)(2)(A): the noncitizen must both be an "applicant for admission" and be "seeking admission" in order for the provision to govern his or her custody status. "Applicant for admission"—not "seeking admission" —is the statutory phrase construed by the Supreme Court as expansive in *Jennings v. Rodriguez*, 583 U.S. 281, 287, 297 (2018), and *DHS v. Thuraissigiam*, 591 U.S. 103, 109 (2020). Even assuming, arguendo, that individuals like Mr. Yajure and Petitioner fit within the "applicant for admission" term of art, it does not follow that they are also "seeking admission." Indeed, an individual who has not presented at a port of entry and has not filed any affirmative application for

immigration benefits is not "seeking" anything under the plain meaning of the word. *See* Merriam Webster's Dictionary (2025) (defining "seek" as, inter alia, "to go in search of" or "to try to acquire or gain").

51. Nor is the BIA entitled to deference in its superficial treatment of the conflict between its unprecedented reading of 8 U.S.C. § 1225(b)(2)(A) and the recent amendments in the Laken Riley Act. As previously explained, the Laken Riley Act amendments clearly prohibit bond under 8 U.S.C. § 1226 for individuals who entered the United States without inspection and were subsequently charged with, arrested for, or convicted of certain listed offenses. The BIA acknowledged that reading 8 U.S.C. § 1225(b)(2)(A) to apply to individuals who entered without inspection would create a redundancy in the statute by rendering such individuals subject to mandatory detention under two separate provisions. *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 222. The BIA dismissed such redundancy as permissible and posited that the Laken Riley Act did not purport to "overrule" 8 U.S.C. § 1225(b)(2)(A), but once again, it did not address the requirement of 8 U.S.C. § 1225(b)(2)(A) that an individual must be "seeking admission" in order to be subject to mandatory detention under § 1225(b)(2)(A) in the first place. Reading 8 U.S.C. § 1225(b)(2)(A) to give substance to the phrase "seeking admission" would both ensure fidelity to the plain language of the statute and eliminate concerns about redundancies between § 1226(c) and § 1225(b)(2)(A): individuals who entered without inspection and have been present in the United States for more than two years

would not be subject to detention, *unless* they were subject to one of the mandatory detention provisions of the LRA.[2]

52. The Board itself acknowledged that its decision in *Matter of Yajure Hurtado* was fundamentally inconsistent with its own earlier pronouncements, such as *Matter of Akhmedov*, 29 I. & N. Dec. 166, and with decades of agency practice in untold numbers of cases. *See* 29 I. & N. Dec. at 225-26 & n.6. The Board's initial protestation that the issue was not raised in these prior cases, 29 I. & N. Dec. at 225 n.6, stands in sharp contrast to its own contention that the BIA's "authority" to adjudicate cases is strictly "limited to the authority that is delegated to the Immigration Judge by the INA and the Attorney General through regulation." *Id.* at 217. Surely, if the putatively jurisdiction-stripping statutory language were so crystal clear as to be unambiguous, then the BIA would have detected and addressed such a fundamental jurisdictional roadblock, rather than simply adjudicating many thousands of cases outside the scope of its authority over the course of nearly 30 years. In sum, the Board's decision in *Matter of Yajure Hurtado* lacks merit, represents a stark deviation from the agency's own prior practice, and is not worthy of deference under *Loper Bright*.

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[2] It is unclear what the BIA meant when it suggested that a statute must contain clear language to "overrule" another statute. *See* 29 I. & N. Dec. at 219. Statutory changes operate by amendments, not by the overruling mechanism that may be used by reviewing courts under Article III.

Federal Court Decisions Regarding Detention of Individuals Who Are Present Without Admission

53. To date, dozens of federal district judges have either outright rejected the government's novel interpretation of § 1225(b)(2)(A),[3] or found that noncitizens challenging the government's interpretation were substantially likely to prevail on the merits.[4] These judges have not been unsparing in their criticism of the government's

[3] *Singh v. Lewis*, No. 25-96, 2025 LX 400065 (W.D. Ky. Sept. 22, 2025) (Jennings, J.) (granting habeas petition); *Chafla v. Scott*, No. 25-437, 2025 LX 422663 (D. Maine Sept. 21, 2025) (Neumann, J.) (granting habeas petition); *Hasan v. Crawford*, No. 25-1408, 2025 LX 499354 (E.D. Va. Sept. 19, 2025) (Brinkema, J.) (granting habeas petition); *Barrera v. Tindall*, No. 25-451, 2025 LX 435572 (W.D. Ky. Sept. 19, 2025) (Jenning, J.) (granting habeas petition); *Salazar v. Dedos*, No. 25-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025) (Urias, J.) (granting habeas petition); *Garcia Cortes v. Noem*, No. 25-2677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025) (Sweeney, J.) (granting habeas petition); *Pizarro Reyes v. Raycraft*, No. 25-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (White, J.) (granting habeas petition); *Sampiao v. Hyde*, No. 25-11981, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (Kobick, J.) (granting habeas petition); *Jimenez v. FCI Berlin*, No. 25-326, 2025 LX 360066 (D.N.H. Sept. 8, 2025) (McCafferty, J.) (granting habeas petition); *Doe v. Moniz*, No. 25-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025) (Talwani, J.) (granting habeas petition); *Lopez Benitez v. Francis*, No. 25-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025) (Ho, J.) (granting habeas petition); *Lopez-Campos v. Raycraft*, No. 25-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025) (McMillion, J.) (granting habeas petition); *Diaz v. Mattivelo*, No. 25-12226, 2025 WL 2457610 (D. Mass. Aug. 27, 2025) (Kobick, J.) (granting habeas petition); *Jose J.O.E. v. Bondi*, No. 25-3051, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) (Tostrud, J.) (granting habeas petition); *Leal-Hernandez v. Noem*, No. 25-2428, 2025 WL 2430025 (D. Md. Aug. 24, 2025) (Rubin, J.) (granting habeas petition); *Romero v. Hyde*, No. 25-11631, __ F.Supp.3d __, 2025 WL 2403827 (D. Mass. Aug. 19, 2025) (Murphy, J.) (granting habeas petition); *Samb v. Joyce*, No. 25-6373, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025) (Ho, J.) (granting habeas petition); *dos Santos v. Noem*, No. 25-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025) (Kobick, J.) (granting habeas petition); *Diaz Martinez v. Hyde*, No. 25-11613, __ F.Supp.3d __, 2025 WL 2084238 (D. Mass. July 24, 2025) (Murphy, J.) (granting habeas petition); *Gomes v. Hyde*, No. 25-11571, 2025 WL 1869299 (D. Mass. July 7, 2025) (Kobick, J.) (granting habeas petition).

[4] *Aceros v. Kaiser*, No. 25-06924, 2025 LX 330524 (N.D. Cal. Sept. 12, 2025) (Chen, J.) (granting preliminary injunction); *Guzman v. Andrews*, No. 25-01015, 2025

newfound position. One called it a "nonstarter." *Doe v. Moniz*, No. 25-12094, 2025 WL 2576819 at *10 (D. Mass. Sept. 5, 2025). Another called it "willfully blind." *Leal-Hernandez v. Noem*, No. 25-2428, 2025 WL 2430025 at *25 (D. Md. Aug. 24, 2025). Another called it "a policy argument, projected onto Congress." *Romero v. Hyde*, No. 25-11631, __ F. Supp. 3d __, 2025 WL 2403827 at *28 (D. Mass. Aug. 19, 2025). And another noted that the government "could not identify any federal court that has adopted their novel reading of § 1225(b)(2)(A)." *Pizarro Reyes v. Raycraft*, No. 25-12546, 2025 WL 2609425 at *20 (E.D. Mich Sept. 9, 2025).

54. It is not difficult to understand why federal district courts have rejected the government's novel interpretation, as the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

LX 354551 (E.D. Cal. Sept. 9, 2025) (Sherriff, J.) (granting preliminary injunction); *Mosqueda v. Noem*, No. 25-2304, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025) (Snyder, J.) (granting temporary restraining order); *Nieves v. Kaiser*, No. 25-6921, 2025 LX 320701 (N.D. Cal. Sept. 3, 2025) (Beeler, J.) (granting preliminary injunction); *Garcia v. Noem*, No. 25-2180, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025) (Sabraw. J.) (granting temporary restraining order); *Garcia v. Kaiser*, No. 25-06916, 2025 LX 322337 (N.D. Cal. Aug. 29, 2025) (Gonzalez Rogers, J.) (granting preliminary injunction); *Kostak v. Trump*, No. 25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025) (Edwards, J.) (granting temporary restraining order and preliminary injunction); *Benitez v. Noem*, No. 25-02190, 2025 LX 322897 (C.D. Cal. Aug. 26, 2025) (Klausner, J.) (granting temporary restraining order); *Ramirez Clavijo v. Kaiser*, No. 25-06248, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025) (Freeman, J.) (granting preliminary injunction); *Arrazola-Gonzalez v. Noem*, No. 25-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025) (Wright, J.) (granting temporary restraining order); *Maldonado v. Olson*, No. 25-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025) (Nelson, J.) (granting temporary restraining order); *Maldonado Bautista v. Santacruz*, No. 25-01873, 2025 LX 341363 (C.D. Cal. July 28, 2025) (granting temporary restraining order); *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. April 24, 2025) (Cartwright, J.) (granting preliminary injunction).

55. By its terms, § 1225(b)(2)(A) only applies to noncitizens who are "seeking admission," and Congress defined "admission" as the "lawful entry of the alien into the United States after inspection and authorization by an immigration officer." § 1101(a)(13)(A). Accordingly, "[c]onstruing section 1225(b)(2) to apply to noncitizens already residing in the country would read the word 'entry' out of the definitions of 'admitted' and 'admission.'" *Chafla v. Scott*, No. 25-437, 2025 LX 422663 (D. Maine Sept. 21, 2025).

56. Accordingly, § 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, and individuals who entered without inspection and have never affirmatively applied for admission or parole do not fit within that category. 8 U.S.C. § 1225(b)(2)(A); *see Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E..D. Mich. Sept. 9, 2025) (specifically rejecting the Board's analysis of the statute in *Matter of Yajure Hurtado* and concluding that it is "difficult to square a noncitizen's continued presence with "seeking admission" when that noncitizen never attempted to obtain lawful status"); *Vasquez-Garcia et al. v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025) (rejecting DHS' contention that an individual who entered the United States without inspection "is automatically understood to be 'seeking admission' within the meaning of § 1225(b)(2)(A), without need[ing] to affirmatively apply for admission or parole"); *see also Arrazola Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025) (concluding that habeas petitioner showed likelihood of success on the merits of argument that "[t]o ignore the 'seeking admission' language [in 8 U.S.C.

§ 1225(b)(2)(A) . . . would render the language purposeless and violate a key rule of statutory construction").

57. Throughout its text, 8 U.S.C. § 1225 defines its scope by reference to "inspections"—a term not defined in the INA but which typically connotes an examination upon or soon after physical entry. *See* 8 U.S.C. § 1225 (titled "Inspection by immigration officers; expedited removal of inadmissible arriving [noncitizens]; referral for hearing"); §§ 1225(b)(1)–(2) (referring to "inspections" in their titles); § 1225(d)(1) (authorizing immigration officials to search certain conveyances in order to conduct "inspections" where noncitizens "are being brought into the United States"). Many statutory provisions, various regulations and agency precedent discuss "inspection" in the context of admission processes at ports of entry, further supporting the conclusion that § 1225(b) has a limited temporal and geographic scope. *See*, *e.g.*, 8 U.S.C. §§ 1187(h)(2)(B)(i), 1225A; 8 U.S.C. § 1752a; 8 C.F.R. § 235.1; *Matter of Quilantan*, 25 I&N Dec. 285 (BIA 2010)).

58. Indeed, the Supreme Court has explained that this mandatory detention scheme applies to noncitizens who are "arriving in the United States," *Clark v. Martinez*, 543 U.S. 371 (2005), "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).

59. As importantly, § 1226(c) subjects numerous categories of inadmissible noncitizens to mandatory detention. If "the [BIA was] correct that § 1225(b)'s mandatory detention provisions apply to all persons who have not been admitted into the United

States, that would render superfluous those provisions of § 1226 that apply to certain categories of inadmissible aliens, such as § 1226(c)(1)(A), (D), and (E)." *Hasan v. Crawford,* __ F. Supp. 3d __, 2025 WL 268225 at *22 (E.D. Va. Sept. 19, 2025) (Brinkema, J.). Indeed, the BIA's interpretation would "render the Laken Riley Act a meaningless amendment, since it would have prescribed mandatory detention for noncitizens already subject to it." *Aceros v. Kaiser*, 2025 WL 2637503 at *28 (N.D. Cal. Sept. 12, 2025).

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

61. Federal courts have similarly rejected the Board's conclusion that the document ICE uses to detain an individual, and the legal authority cited therein, is of no consequence in determining the statutory basis for that detention. In *Rosado*, the Court held that "[b]ecause [Petitioner] was placed into removal proceedings pursuant to § 1229a, an alternative process to that stated in § 1225, her release in 2018 and her current detention are pursuant to § 1226, not § 1225. This conclusion is supported by the fact that the Deportation Officer ordering [Petitioner] detained on April 30, 2025, cited INA § 236, i.e., 8 U.S.C. § 1226." *Rosado*, 2025 WL 2337099 (addressing circumstance in which habeas petitioner was detained, released, and re-detained six years later with an arrest warrant citing 8 U.S.C. § 1226). Although the petitioner in *Rosado* did not enter without inspection, the Court's reasoning in her case reasoning supports the proposition that where, as here, an individual is in proceedings under § 1229a, and ICE issues a

warrant of arrest citing § 1226, the detention authority does not convert to § 1225 merely because the noncitizen does not have lawful immigration status. *Contra Matter of Yajure Hurtado*, 29 I. & N. Dec. at 221 (reasoning that a "lawful status" is required for consideration of bond eligibility under 8 U.S.C. § 1226); *see also Caicedo Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025) (same, and collecting cases); *Hernandez-Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025) (same).[5]

62. Similarly, the Justice Department's own regulations only preclude IJs from granting bond to "[a]rriving aliens," 8 C.F.R. § 1003.19(h)(1)(B)(ii), as distinct from noncitizens who previously entered the country and are merely present without admission.

63. When the Justice Department promulgated these regulations following notice and comment, it specifically stated that "'aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.'" *Rodriguez Vazquez v. Bostock*, 779

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[5] The Court in *Rosado* also rejected the argument, later adopted in *Matter of Yajure Hurtado*, that "all inadmissible noncitizens present in the United States be detained pending the finality of their removal proceedings," because, as Petitioner argues, that conclusion would "render significant portions of 8 U.S.C. § 1226 meaningless," including portions of the Laken Riley Act amendments. *Rosado*, 2025 WL 2337099. The Court noted that "Congress enacted the LRA against the backdrop of longstanding agency practice applying § 1226(a) to inadmissible noncitizens already residing in the country," and reasoned that the amendments should be read in light of "the principle that '[w]hen Congress adopts a new law against the backdrop of a 'longstanding administrative construction,' the federal courts should "generally presume[] the new provision should be understood to work in harmony with what has come before.'" *Id.* (citing *Monsalvo Velazquez v. Bondi*, 604 U.S. ___, 145 S. Ct. 1232, 1242 (2025) (internal quotation omitted)).

F. Supp. 3d 1239, 1261 (W.D. Wash. April 24, 2025) (quoting 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)).

64. And as should go without saying, "an administrative agency may not slip by the notice and comment rule-making requirements needed to amend a rule by merely adopting a *de facto* amendment to its regulation through adjudication." *Marseilles Land & Water Co. v. FERC*, 345 F.3d 916, 920 (D.C. Cir. 2003) (Silberman, J.) (citing cases). *See also Patel v. INS*, 638 F.2d 1199, 1202 (9th Cir. 1980) (rejecting BIA decision that imposed additional requirement that the INS decline to impose during notice and comment rulemaking).

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CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Violation of the INA

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

66. The mandatory detention provision at 8 U.S.C. § 1225(b)(2)(A) does not apply to all noncitizens residing in the United States who entered the country without being admitted. By its terms, § 1225(b)(2)(A) only applies to noncitizens who are "seeking admission." The term "admission" is defined to require a "lawful entry" following "inspection and authorization by an immigration officer." § 1101(a)(13)(A). Accordingly, § 1225(b)(2)(A) does not apply to noncitizens like Petitioner who evade inspection and are apprehended outside a port of entry. Such noncitizens are instead

detained under § 1226 while in removal proceedings, and are thus eligible for release on bond under § 1226(a) unless they are subject to mandatory detention under § 1226(c).

67. The application of § 1225(b)(2)(A) to Petitioner unlawfully mandates his continued detention without a bond hearing and violates the INA.

SECOND CAUSE OF ACTION

Violation of Federal Regulations

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

69. Under 8 C.F.R. § 1236.1(d)(1), immigration judges may grant bond to any noncitizen in removal proceedings who is not subject to a final order or to any of the exceptions in 8 C.F.R. § 1003.19. None of the exceptions in § 1003.19 preclude immigration judges from granting bond to noncitizens simply for being present with admission.

70. As relevant here, the regulations only preclude immigration judges from granting bond to noncitizens who qualify as "arriving aliens," § 1003.19(h)(1)(B)(ii), *i.e.*, those who presented themselves for inspection at a port of entry. When these regulations were initially promulgated, the Justice Department explained that "inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge." 62 Fed. Reg. 10312, 10323 (March 6, 1997). The Justice Department thus made clear that individuals who had 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. Notwithstanding these regulations, the BIA held in *Matter of Yajure Hurtado* that all noncitizens who are present without admission are ineligible to receive a bond from immigration judges. Application of this decision to Petitioner unlawfully mandates his continued detention without a bond hearing in violation of §§ 1236.1 and 1003.19.

THIRD CAUSE OF ACTION

Violation of Due Process

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

73. 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, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

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

75. The government's detention of Petitioner, its appeal of the bond granted during his bond redetermination hearing, and its issuance of a precedent decision precluding his release violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, the Petitioner prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Set this matter for expedited consideration;

(3) Declare that no statute or regulation prohibits an immigration judge from holding a custody redetermination hearing for Petitioner, and that Petitioner is properly detained, if at all, under 8 U.S.C. 1226(a);

(4) Issue a Writ of Habeas Corpus and conduct a bond hearing within 15 days, or order Petitioner's release within 15 days unless Respondents provide him with a bond hearing before an immigration judge;

(5) Award Petitioner 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

(6) Grant any other and further relief that this Court deems just and proper.

Dated: October 16, 2025

Respectfully submitted,

s/Ami E. Hutchinson
Ami E. Hutchinson, Esq.
Counsel for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 16th day of October, 2025 in Tucson, Arizona.

/s/Ami Hutchinson
Ami Hutchinson
Attorney for Petitioner

UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): **Edy Baten Perez , ;**

Defendant(s): **Fred Figueroa , Warden of Eloy Detention Centar; John Cantu , Field Office Director of Phoenix Office of Detention and Removal, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; Todd Lyons , Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security ; Kristi Noem , Secretary U.S. Department of Homeland Security ; Pamela Bondi , Attorney General of the United States;**

County of Residence: Pinal

County of Residence: Outside the State of Arizona

County Where Claim For Relief Arose: Pinal

Plaintiff's Atty(s):

Ami Hutchinson ,
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Defendant's Atty(s):

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U.S. Department of Justice
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Washingston, D.C. 20530
2023531555

IFP REQUESTED

REMOVAL FROM COUNTY, CASE #

II. Basis of Jurisdiction: **2. U.S. Government Defendant**

III. Citizenship of Principal Parties**(Diversity Cases Only)**

Plaintiff:- **N/A**

Defendant:- **N/A**

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **463 Alien Detainee**

VI.Cause of Action: **This case arises under the Fifth Amendment of the Constitution of the United States; the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.; the regulations implementing the INA's inspection, apprehension, and detention statutes; 8 U.S.C. §§ 1225, 1226; 8 C.F.R. §§ 1003.19, 1236.1(d)(1), and the Administrative Procedures Act, 5 U.S.C. § 701, et seq**

VII. Requested in Complaint

Class Action: **No**

Dollar Demand:

Jury Demand: **No**

VIII. This case **is not related** to another case.

Signature: Ami Hutchinson

Date: 10/16/2025

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014