

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

ALEXI CANAS QUINTANILLA,

(b) County of Residence of First Listed Plaintiff Adams
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**Brandon H. Riches, The Riches Law Firm, Po Box 1526,
Ocean Springs, MS 39566, 228-800-4178**

PAM BONDI, Attorney General of the United States, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION FOR THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

OCT 20 2025

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government
Plaintiff
- ☒ 2 U.S. Government
Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES		
☐ 110 Insurance	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle ☐ Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a))					
☐ 150 Recovery of Overpayment & Enforcement of Judgment				INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations					
☐ 151 Medicare Act					☐ 480 Consumer Credit (15 USC 1681 or 1692)					
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)					☐ 485 Telephone Consumer Protection Act					
☐ 153 Recovery of Overpayment of Veteran's Benefits			PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters				
☐ 160 Stockholders' Suits				FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609		☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision				
☐ 190 Other Contract						☐ 950 Constitutionality of State Statutes				
☐ 195 Contract Product Liability										
☐ 196 Franchise										
REAL PROPERTY		CIVIL RIGHTS		PRISONER PETITIONS		IMMIGRATION				
☐ 210 Land Condemnation		☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	☒ 463 Alien Detainee	☐ 462 Naturalization Application ☐ 465 Other Immigration Actions						
☐ 220 Foreclosure			☐ 510 Motions to Vacate Sentence							
☐ 230 Rent Lease & Ejectment			☐ 530 General							
☐ 240 Torts to Land	☐ 535 Death Penalty									
☐ 245 Tort Product Liability	Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement									
☐ 290 All Other Real Property										

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | | | | | | | | |
|---------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|-------------------------------|----------------------------|------------------------|----------------------------|---|----------------------------|-------------------------------------|----------------------------|--|
| ☒ 1 | Original Proceeding | ☐ 2 | Removed from State Court | ☐ 3 | Remanded from Appellate Court | ☐ 4 | Reinstated or Reopened | ☐ 5 | Transferred from Another District (specify) | ☐ 6 | Multidistrict Litigation - Transfer | ☐ 8 | Multidistrict Litigation - Direct File |
|---------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|-------------------------------|----------------------------|------------------------|----------------------------|---|----------------------------|-------------------------------------|----------------------------|--|

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):
28 U.S.C. § 2241(c)(1)

Brief description of cause:
Habeas Petition for immigrant detainee

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND S

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S)
IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

10/16/2025

FOR OFFICE USE ONLY

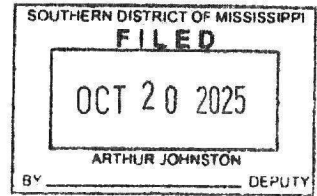
RECEIPT #12800

AMOUNT

APPLYING IEP

JUDGE

MAG. JUDGE



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ALEXI CANAS QUINTANILLA,

A 

Petitioner/Plaintiff,

v.

**PAM BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary,
Department of Homeland Security (DHS);
TODD LYONS, Acting Director of
Immigration and Customs Enforcement (ICE);
BRIAN ACUNA, New Orleans Acting Field
Office Director, Immigration and Customs
Enforcement (ICE/ERO); RAPHAEL
VERGARA, Warden, Adams County
Correctional Center,**

Respondents/Defendants

Civil Action No. 5:25-cv-115-DCB-BWR

**ORAL ARGUMENT
REQUESTED**

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241, BY A PERSON SUBJECT TO
INDEFINITE IMMIGRATION
DETENTION, AND
PETITION FOR AN
INJUNCTION PURSUANT TO
28 U.S.C. § 1331**

BACKGROUND

Petitioner, Mr. Alexi Canas, hereby petitions this Court for a writ of habeas corpus as well as for an injunction to remedy Petitioner's unlawful detention and to enjoin Petitioner's continued unlawful detention by the Respondents. Due to the government's change in policy, Petitioner will be held without the possibility of a bond hearing. Mr. Canas asks this Court to order his release or, in the alternative, order immigration officials to set a bond amount. Mr. Canas also hereby requests that a hearing be set on this matter. In support of this petition and complaint for injunctive relief,

Petitioner alleges as follows:

PARTIES

1. Petitioner, Mr. Canas, is a native and citizen of El Salvador who entered the United States on or about May 25, 1995, without inspection. He has maintained continuous presence in the United States since entering. On or about March 12, 2025, Petitioner was detained by immigration officials and is currently being held at the Adams County Correctional Center in Natchez, MS. Petitioner sought Cancellation of Removal for Certain Non-Permanent Residents. On August 24, 2025, an immigration judge with the Executive Office for Immigration Review ("EOIR") reserved a decision on the application. The judge was not able to grant the application due to a backlog in visas.
2. Respondent Pam Bondi is sued in her official capacity as the United States Attorney General. As Attorney General, Ms. Bondi is responsible for the administration and enforcement of the immigration laws of the United States.
3. Respondent Kristi Noem is sued in her official capacity as Secretary of the Department of Homeland Security ("DHS"). As Secretary of DHS, Ms. Noem is responsible for the administration and enforcement of the immigration laws of the United States.
4. Respondent Todd Lyons is sued in his official capacity as Acting Director of Immigration and Customs Enforcement ("ICE"). As the Acting Director of ICE, Mr. Lyons is responsible for the administration and enforcement of the policies and procedures for ICE's detention of Petitioner at Adams County Correctional Center ("Adams").
5. Respondent Brian Acuna is sued in his official capacity as Acting Field Office Director of ICE and Enforcement and Removal ("ERO") for the New Orleans office. As the Acting Field Office Director of ICE/ERO, Mr. Acuna is responsible for the administration and

enforcement of the policies and procedures for ICE's detention of Petitioner at Adams County Correctional Center.

6. Respondent, Raphael Vergara, is the Warden of Adams County Correctional Center. As such, Mr. Vergara is responsible for the operation of the Correctional Center where Mr. Canas is detained. Because ICE contracts with detention centers such as Adams to house immigration detainees such as Mr. Canas, Respondent has immediate physical custody of the Petitioner.

JURISDICTION

7. This action arises under the Constitution of the United States, 28 U.S.C. § 2241(c)(1), and the Immigration and Nationality Act, as amended ("INA"), 8 U.S.C. § 1101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution ("Suspension Clause"), and 28 U.S.C. § 1331, as the Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) ("We conclude that § 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention."); *see also, Demore v. Kim*, 538 U.S. 510 (2003) (evaluating mandatory detention for pre-removal detainees for the "brief period necessary" to complete removal proceedings); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest."); *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

8. Further, this action also arises pursuant to 28 U.S.C. § 1331, federal question jurisdiction, as this Court has power to issue a federal injunction to force the ICE and the Correctional Center to release Mr. Canas so that he will not have to endure the continued burden of unreasonable detention.

VENUE

9. Venue lies in the Southern District of Mississippi, because Mr. Canas is currently detained in the territorial jurisdiction of this Court, at the Adams County Correctional Center. 28 U.S.C. § 1391.

LEGAL BACKGROUND

10. The Immigration and Nationality Act (“INA”) prescribes three basic forms of detention for noncitizens in removal proceedings.
11. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (“IJ”). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are 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).
12. 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).

13. Last, the Act also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).
14. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
15. 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).
16. Following 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).
17. Thus, in the decades that followed, most people who entered without inspection—unless they were subject to some other detention authority—received bond hearings. 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)).
18. Respondents’ new policy turns this well-established understanding on its head and violates the statutory scheme.

19. Overwhelmingly, courts have rejected the interpretation offered by Respondents that § 1225(b)(2) requires the detention of all noncitizens living in the country who are “inadmissible” because they entered the United States without inspection.¹
20. Despite these findings from federal courts, ICE released a memorandum instructing its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject bond redetermination hearings for applicants who arrived in the United States without documents.
21. A May 22, 2025, unpublished BIA decision confirms that the Executive Office for Immigration Review (EOIR) is taking this same position that noncitizens who entered the United States without admission or parole are ineligible for immigration judge bond hearings.
22. This is now a widespread position adopted by EOIR applying across the United States.
23. This interpretation defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
24. 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, which “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

¹ See, e.g., *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2371588, *9 (S.D.N.Y. Aug. 13, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025); *Garcia v. Noem*, No. 25-cv-02180-DMS-MMP, 2025 WL 2549431, at *6 (S.D. Cal. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, Doc. 20 at 7 (W.D. La. Aug. 27, 2025); *Benitez v. Noem*, No. 5:25-cv-02190-RGK-AS, Doc. 11 at 5 (C.D. Cal. Aug. 26, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025, at *10 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827, at *13 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285, at *2 (C.D. Cal. Aug. 15, 2025); *Maldonado*, 2025 WL 2374411, at *13; *dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988, at *8 (D. Mass. Aug. 14, 2025).

25. 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). 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.
26. 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).
27. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner who are alleged to have entered the United States without admission or parole.

FACTS

28. Petitioner Canas has resided in the United States since around 1995 and lived in Maryland before being detained and transported to Natchez, MS.
29. Mr. Canas is the proud father of eight (8) children and owner of a licensed home-restoration business in Maryland.
30. Mr. Canas' son, A  has been diagnosed with Pediatric Acute Onset Neuropsychiatric Syndrome (PANS).
-
31. On or about March 12, 2025, Petitioner was arrested by immigration authorities as part of a widescale immigration enforcement action.

32. He was placed into removal proceedings to appear before an immigration judge (IJ) and was charged with having entered the United States without inspection and being present without valid immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i).
33. On or about August 24, 2025, an IJ conditionally approved his 42B Application for Cancellation of Removal for Certain Non-Permanent Residents. The decision was reserved due to the backlog of visas for this category. The current backlog is about four (4) years behind.
34. Mr. Canas attempted to seek a bond from the immigration court but was denied. An appeal followed and the decision was upheld.
35. ICE has not granted release or set a bond amount for the Petitioner, despite the almost two months since the favorable decision. Due to his manner of entry and the government's new policy, seeking a bond redetermination hearing with the immigration court would be futile.
36. Petitioner Canas is not currently scheduled for any future immigration hearings and would ostensibly have to wait for four years in detention for his visa, if not granted release.
37. Petitioner Canas has minimal criminal history beyond his unlawful entry into the United States, about thirty years ago. He had a non-violent offense from 2003 for possession of marijuana (less than 30 grams) and possession of paraphernalia. These resulted in non-custodial, minor dispositions. Since that he has had some minor traffic violations. He is neither a flight risk nor a danger to the community.

CAUSES OF ACTION

COUNT 1

Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of a Bond Hearing

38. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
39. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted or paroled. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.
40. The application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

COUNT 2

Violation of Procedural Due Process

41. Petitioner repeats, re-alleges, and incorporates by reference paragraphs 1 to 35 as if fully set forth herein.
42. 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).
43. Petitioner has a fundamental interest in liberty and being free from official restraint.

44. The government's detention of Petitioner without the possibility for a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Declare that the Petitioner's inability to seek a bond redetermination hearing before an immigration judge violates the INA, APA, and Due Process;
- c. Issue a writ of habeas corpus requiring that Defendants release Petitioner;
- d. Set aside Respondents' unlawful detention policy under the APA, 5 U.S.C. § 706(2);
- e. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 241(d), 5 U.S.C. § 504, or any other applicable law; and
- f. Order further relief as this court deems just and appropriate.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this the 16th day of October, 2025.



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Cell/WhatsApp: (228) 800-4178
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CERTIFICATE OF SERVICE

This is to certify that on this 16th day of October, 2025, the foregoing **PETITION FOR A WRIT OF HABEAS CORPUS AND PETITION FOR AN INJUNCTION** and its accompanying Exhibits were served by Certified First Class Mail, postage pre-paid, on:

Pam Bondi, Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Kristi Noem, Secretary
Department of Homeland Security
425 I Street
Washington, D.C. 20536

Todd Lyons, Acting Director
Immigration and Customs Enforcement
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Washington, D.C. 20536

Brian Acuna, Field Office Director
U.S. Immigration and Customs Enforcement
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Raphael Vergara, Warden
Adams County Correctional Center
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