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6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF TEXAS
9 WACO DIVISION

10 Avelino Amado VARA SANCHEZ

11 Petitioner,

12 v.

13 Joshua JOHNSON, Acting Field Office
Director of Enforcement and Removal
14 Operations, Dallas Field Office, Immigration
and Customs Enforcement; Todd LYONS,
15 Acting Director U.S. Immigrations and
Customs Enforcement; Kristi NOEM,
16 Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
17 HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; Devery
18 MOONEYHAM, Warden of Limestone County
19 Detention Center,

20 Respondents.

Case No. 6:25-cv-00503

**PETITION FOR WRIT OF
HABEAS CORPUS**

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1 INTRODUCTION

2 1. Petitioner Avelino Amado Vara Sanchez is in the physical custody of
3 Respondents at Limestone County Detention Center. He now faces unlawful detention because
4 the Department of Homeland Security (DHS) and the Executive Office of Immigration Review
5 (EOIR) have concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, inter alia, having entered the United States without
7 admission or inspection and not having proper documentation. *See* 8 U.S.C. § 1182(a)(6)(A)(i);
8 1182(a)(7)(A)(i)(I).

9 3. Based on the first allegation in his removal proceedings that he entered without
10 admission or inspection, DHS denied Petitioner release from immigration custody, consistent
11 with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs
12 Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,
13 those who entered the United States without admission or inspection—to be subject to detention
14 under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

15 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or
16 Board) issued a precedent decision, binding on all immigration judges, holding that an
17 immigration judge has no authority to consider bond requests for any person who entered the
18 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
19 The Board determined that such individuals are subject to detention under 8 U.S.C. §
20 1225(b)(2)(A) and therefore ineligible to be released on bond.

21 5. Because of the BIA’s decision, the Immigration Judge denied Petitioner bond on
22 October 10, 2025, stating she does not have jurisdiction.

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

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

6 14. The Court must grant the petition for writ of habeas corpus or order Respondents
7 to show cause “forthwith,” unless it appears from the petition that the petitioner is not entitled to
8 relief. 28 U.S.C. § 2243. If the Court issues an order to show cause, Respondents must file a
9 return “within three days unless for good cause additional time, not exceeding twenty days, is
10 allowed.” *Id.*

11 15. Habeas corpus is “perhaps the most important writ known to the constitutional
12 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
13 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
14 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
15 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
16 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

17 **PARTIES**

18 16. Petitioner Avelino Amado Vara Sanchez is a citizen of Mexico who has been in
19 immigration detention since September 21, 2025. After arresting Petitioner in Washington, D.C.,
20 ICE did not set bond or release him, and Petitioner is unable to obtain review of his custody by
21 an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
22 2025).

1 17. Respondent Joshua Johnson is the Acting Director of the Dallas Field Office of
2 ICE's Enforcement and Removal Operations division. As such, Mr. Johnson has authority to
3 produce Petitioner to this Court and to release him from custody. Therefore, Mr. Johnson is
4 Petitioner's immediate custodian and is responsible for Petitioner's detention. He is named in his
5 official capacity.

6 18. Respondent Todd Lyons is the Acting Director of the Immigrations and Customs
7 Enforcement. As such, Mr. Lyons has authority to produce Petitioner to this Court and to release
8 him from custody. Therefore, Mr. Lyons is Petitioner's immediate custodian and is responsible
9 for Petitioner's detention. He is named in his official capacity.

10 19. Respondent Kristi Noem is the Secretary of Homeland Security. She is
11 responsible for the implementation and enforcement of the Immigration and Nationality Act
12 (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate
13 custodial authority over Petitioner and is sued in her official capacity.

14 20. Respondent Department of Homeland Security (DHS) is a federal agency
15 responsible for implementing and enforcing the INA, including the detention and removal of
16 noncitizens.

17 21. Respondent Pamela Bondi is the Attorney General of the United States. She is
18 responsible for the Department of Justice, of which the Executive Office for Immigration
19 Review, which operates the immigration court system, is a component agency. She is sued in her
20 official capacity.

21 22. Respondent Devery Mooneyham is employed by Limestone County Detention
22 Center, Groesbeck, Texas where Petitioner is detained. He has immediate physical custody of
23 Petitioner. He is sued in his official capacity.

1 **LEGAL FRAMEWORK**

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

4 24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
5 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
6 entitled to a bond hearing before an immigration judge at the outset of their detention to review
7 ICE custody determinations, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d). These bond hearings are
8 separate and apart, and form no part of, the removal proceedings themselves. A statutory
9 exception to this eligibility for an immigration judge bond hearing exists for noncitizens who
10 have been arrested, charged with, or convicted of certain crimes, for whom detention is generally
11 mandatory under 8 U.S.C. § 1226(c).

12 25. Second, the INA provides for so-called “mandatory” detention of recently
13 arriving noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1), and for other
14 recent arrivals seeking admission under § 1225(b)(2).¹

15 26. Last, the INA also provides for detention of noncitizens who have been ordered
16 removed, including individuals in “withholding-only” proceedings (proceedings to determine
17 whether removal to a particular country should be withheld due to a likelihood of persecution),
18 *see* 8 U.S.C. § 1231(a)–(b).

19 27. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
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21 _____
22 ¹ Although the term “mandatory detention” is often used to describe detention under 8 U.S.C. § 1225(b), the term is
23 a misnomer because, as courts have acknowledged, DHS agencies may release such individuals through parole for
24 “urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5; *see Flores*
v. Barr, 934 F.3d 910, 917 (9th Cir. 2019) (“The INA provides that, even for noncitizens in expedited removal, ‘the
Attorney General may ... in his discretion parole into the United States temporarily’ any noncitizen applying for
admission ‘under such conditions as he may prescribe.’”). Thus, it is more accurate to say individuals detained under
8 U.S.C. § 1225(b) are detained without statutory eligibility for a bond hearing.

1 28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
2 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
3 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section
4 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1,
5 139 Stat. 3 (2025).

6 29. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
7 that, in general, people who entered the country without inspection were not considered detained
8 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
9 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
10 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)(“Despite being applicants for
11 admission, aliens who are present without having been admitted or paroled (formerly referred to
12 as aliens who entered without inspection) will be eligible for bond.”)(parenthetical in original).

13 30. Thus, in the decades that followed, most people who entered without inspection
14 and were placed in standard removal proceedings received bond hearings, unless their criminal
15 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
16 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
17 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
18 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
19 “restates” the detention authority previously found at § 1252(a)).

20 31. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
21 rejected this well-established understanding of the statutory framework and reversed decades of
22 practice.

1 32. The new policy, entitled “Interim Guidance Regarding Detention Authority for
2 Applicants for Admission,”² claims that all persons who entered the United States without
3 inspection shall now be subject to the detention provision under § 1225(b)(2)(A) and thus
4 ineligible for release on bond. The policy applies regardless of when a person is apprehended by
5 DHS, and affects those who have resided in the United States for months, years, and even
6 decades.

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

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

14 35. Even before ICE or the BIA introduced these nationwide policies, IJs in the
15 Tacoma, Washington, immigration court stopped providing bond hearings for persons who
16 entered the United States without inspection and who have since resided here. There, the U.S.
17 District Court in the Western District of Washington found that such a reading of the INA is
18 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not
19 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
20 1239 (W.D. Wash. 2025).

21 36. Subsequently, court after court has adopted the same reading of the INA’s
22 detention authorities and rejected ICE and EOIR’s new interpretation. *See, e.g., Lopez-Arevalo v.*

23 _____
24 ² Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 *Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Lopez Santos v. Noem*, 2025 WL 2642278
2 (W.D. La. Sept. 11, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136
3 (W.D. La. Aug. 27, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D.
4 Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025
5 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR
6 (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No.
7 CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v.*
8 *Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v.*
9 *Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-*
10 *Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15,
11 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025);
12 *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez*
13 *Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-*
14 *Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Jose*
15 *J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn.
16 Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379
17 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL
18 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS
19 (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-
20 12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-
21 JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No.
22 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to
23 agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-
24

1 03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*,
2 No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same); *Dos*
3 *Santos v. Noem*, 2025 WL2370988 (D.Mass. Aug. 14, 2025); *Doe v. Moniz*, 2025 WL 2576819
4 (D. Mass. Sept. 5, 2025); *Encarnacion v. Moniz*, No. 25-12237 (D. Mass. Sept 5, 2025); *Hilario*
5 *Rodriguez v. Moniz*, No. 25-12358 (D. Mass. Sept. 18, 2025); *Choglo Chafra v. Scott*, 2025 WL
6 2688541 (D. Me. Sept. 2, 2025); *Jimenez v. FCI Berlin, Warden*, 2025 WL 2639390 (D.N.H.
7 Sept. 8, 2025); *Savane v. Francis*, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Luna Quispe v.*
8 *Crawford*, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Rivera Zumba v. Bondi*, 2025 WL
9 2753496 (D. N.J. Sept. 26, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D.Md. Aug. 24,
10 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v.*
11 *Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, 2025 WL 2699219 (W.D.
12 Ky. Sept. 22, 2025); *Campos Leon v. Forestal*, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025);
13 *Giron Reyes v. Lyons*, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Santiago Helbrum v.*
14 *Williams*, 4:25-cv-00349 (S.D. Iowa Sept. 30, 2025); *Hernandez Marcelo v. Trump*, (S.D. Iowa
15 Sept. 10, 2025); *Brito Barrajas v. Noem*, No. 4:25-cv-00322 (S.D. Iowa Sept. 23, 2025); *Belsai*
16 *D.S. v. Bondi*, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *O.E. v. Bondi*, 2025 WL 2466670 (D.
17 Minn. Aug. 27, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025);
18 *Carmona-Lorenzo v. Trump*, 2025 WL2531521 (D. Neb. Sept. 3, 2025); *Cortez Fernandez v.*
19 *Lyons*, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Lorenzo Perez v. Kramer*, 2025 WL 2624387
20 (D. Neb. Sept. 1, 2025); *Ozuna Carlon v. Kramer*, 2025 WL 2624386 (D. Neb. Sept 11, 2025);
21 *Genchi Palma v. Trump*, 2025 WL 2624385 (D. Neb. Sept. 11, 2025); *Duenas Arce v. Trump*,
22 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256
23 (E.D. Cal. Sept. 9, 2025); *Guerrero Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23,
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1 2025); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Caicedo*
2 *Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Salcedo Aceros v. Kaiser*,
3 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Maldonado Vazquez v. Feeley*, 2025 WL 2676082
4 (D. Nev. Sept. 17, 2025); *Sanchez Roman v. Noem*, 2025 WL 2710211 (D. Nev. Sept. 23, 2025);
5 *Rodriguez Vazquez v. Bostock*, 779 F.Supp.3d 1239(W.D. Wash. 2025); *Garcia Cortes v. Noem*,
6 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Salazar v. Dedos*, 2025 WL 2676729 (D.N.M.
7 Sept. 17, 2025); *Gamez Lira v. Noem*, (D.N.M. Sept. 24, 2025); *Hernandez Lopez v. Hardin*,
8 (M.D. Fla. Sept. 25, 2025); *Da Silva v. ICE*, 2025 WL 2778083 (D.N.H. Sept. 29, 2025)(same).

9 37. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it
10 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the
11 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

12 38. Section 1226(a) applies by default to all persons “pending a decision on whether
13 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
14 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

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

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

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

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

14 **FACTS**

15 43. Petitioner has resided in the United States since 2005 and lives in Washington,
16 D.C.

17 44. On September 21, 2025 Petitioner was stopped by Immigration and Customs
18 Enforcement ("ICE") without any provocation. He was never accused of a crime or traffic
19 violation. ICE took physical custody of Petitioner on the same day, moved him to Virginia, and
20 then to multiple other detention centers, and then transported him to the Limestone County
21 Detention Center on September 29, 2025, where he continues to be detained.

22 45. DHS placed Petitioner in removal proceedings before the Executive Office for
23 Immigration Review (hereinafter "EOIR") pursuant to 8 U.S.C. § 1229a. ICE has charged
24

1 Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who
2 entered the United States without inspection.

3 46. Petitioner is married and has two US citizen children. The family lives together in
4 a home they rent. They also recently purchased a home in Washington, D.C. Petitioner has his
5 own business in the construction industry and is the primary wage earner for his family.
6 Petitioner has no criminal history anywhere in the world. Petitioner is neither a flight risk nor a
7 danger to the community.

8 47. Petitioner is the beneficiary of a work authorization approved by the U.S.
9 Department of Homeland Security (hereinafter "DHS") U.S. Citizenship and Immigration
10 Services (hereinafter "USCIS") arising from the asylum application pending with USCIS. The
11 employment authorization is still valid and has not been revoked.

12 48. Following Petitioner's arrest and transfer, ICE made a custody determination to
13 continue Petitioner's detention without an opportunity to post bond or be released on other
14 conditions.

15 49. On October 6, 2025, Petitioner submitted to EOIR a request for a bond
16 redetermination hearing. That request was accepted by the court and a hearing was held on
17 October 10, 2025.

18 50. Pursuant to *Matter of Yajure Hurtado*, the immigration judge found that she was
19 unable to consider Petitioner's bond request, and denied his request for bond redetermination.

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

1 **CLAIMS FOR RELIEF**

2 **COUNT I**

3 **Violation of the INA**

4 52. Petitioner incorporates by reference the allegations of fact set forth in the
5 preceding paragraphs.

6 53. The detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens
7 residing in the United States who are subject to the grounds of inadmissibility. As relevant here,
8 it does not apply to those who previously entered the country and have been residing in the
9 United States prior to being apprehended and placed in removal proceedings by Respondents.
10 Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), §
11 1226(c), or § 1231.

12 54. Respondents' application of § 1225(b)(2) to Petitioner unlawfully mandates his
13 continued detention and violates the INA. Thus, Petitioner is "in custody in violation of the ...
14 laws... of the United States," warranting issuance of a writ of habeas corpus. 28 U.S.C. §
15 2241(c)(3).

16 **COUNT II**

17 **Violation of Due Process**

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

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

1 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Due Process Clause protects
2 people in immigration detention. *Id.*

3 57. Petitioner has a fundamental interest in liberty and being free from official
4 restraint.

5 58. Respondents’ detention of Petitioner without a bond redetermination hearing by a
6 neutral adjudicator to determine whether he is a flight risk or danger to others violates his right to
7 due process.

8
9
10 **PRAYER FOR RELIEF**

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

- 12 a. Assume jurisdiction over this matter;
- 13 b. Order that Petitioner shall not be transferred outside Texas, while this habeas
14 petition is pending, unless he is transferred within ten miles of Washington, D.C.;
- 15 c. Issue an Order to Show Cause ordering Respondents to show cause why this
16 Petition should not be granted within three days;
- 17 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in
18 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §
19 1226(a) within seven days;
- 20 e. Declare that Petitioner’s detention is unlawful;
- 21 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
22 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
23 law; and
24

1 g. Grant any other and further relief that this Court deems just and proper.

2 DATED this 27th day of October, 2025.

3 Respectfully Submitted,
4 /s/ Ashley Morris
5 Ashley Morris
6 Texas Bar No. 24056008
7 Law Office of Karen Crawford, PLLC
8 P O Box 14194
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10 Ashley@karencrawfordlaw.com
11 512-494-8100
12 *Attorney for Petitioner*

1 VERIFICATION

2 Pursuant to 28 U.S.C. § 2242, undersigned counsel certifies under penalty of perjury that I am
3 submitting this verification because I am the Petitioner's attorney and I have discussed the facts
4 within this Petition with the Petitioner. Pursuant to these discussions, I have reviewed the
5 foregoing petition and that, to the best of my knowledge, the facts therein are true and accurate
6 and the attachments to the petition are true and correct.

7 DATED this 27th day of October, 2025.

8 Respectfully Submitted,
9 /s/ Ashley Morris
10 Ashley Morris
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16 512-494-8100
17 *Attorney for Petitioner*
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

I hereby certify that the defendants on this case are known filing users and service will be accomplished through the Notice of Electronic Filing (NEF).

DATED this 27th day of October, 2025.

Respectfully Submitted,
/s/ Ashley Morris
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