**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF MICHIGAN**
**DETROIT, MICHIGAN**

Carlos Martinez Ramirez,

Petitioner,

v.

KRISTI NOEM, Secretary, U.S. Department of Homeland Security; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; KEVIN RAYCRAFT, Acting Field Office Director, Detroit Immigration and Customs Enforcement; PAM BONDI, U.S. Attorney General, U.S. Department of Justice, SIRCE E. OWEN, Acting Director of the Executive Office of Immigration Review, and ANNA C. LITTLE, Acting EOIR Chief Immigration Judge,

Case No.
Hon. Judge:
Mag. Judge:

Respondents.
_____/

**PETITION FOR**
**WRIT OF HABEAS CORPUS**

Petitioner, Carlos Martinez Ramirez (Ramirez), through counsel files this Petition for Writ of Habeas Corpus and respectfully requests that this Court issue a Writ of Habeas Corpus. In support, the Petitioner states:

## I. INTRODUCTION

1. The Petitioner, by and through undersigned counsel, hereby files this Petition for a Writ of Habeas Corpus in order to secure his release from unlawful detention.

2. The Respondents detained Ramirez on or about July 8, 2025 while his was on vacation in Michigan with his partner and their U.S. citizen children.

3. Consistent with a new DHS policy issued on July 8, 2025, (July 8th ICE Guidance)(Ex. 1 - ICE Policy Guidance issued July 8, 2025) instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for a bond reconsideration before an immigration judge. The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades. The challenged policy subjects millions of noncitizens to mandatory prolonged detention without the opportunity for release on bond, no matter how long they have resided within the country. "Immigration Appeals Court

Expands Mandatory Detention for Millions, Politico" (Sept 5, 2025 at 8:44 p.m. ET), Josh Gerstein & Kyle Cheney, https://www.politico.com/news/2025/09/05/immigration-mandatory-detention-00548660

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

5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act of 1952 (INA). INA § 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and have now been residing in the United States for over decades. Instead, such individuals are subject to a different statute, INA § 1226(a), that allows for review by an immigration judge who can decide whether to release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without admitted or paroled. (Ex. 1 – Notice to Appear)

Ramirez is not challenging the execution of a removal order before this

Court. He is challenging his unconstitutional detention under 8 U.S.C. §1225(b).

6. The Respondents' actions are not only contrary to law and unconstitutional but have also inflicted extreme emotional distress on family.

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

8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released within three days.

## II. JURISDICTION

9. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction) 28 U.S.C. §2201, 28 U.S.C. §2241 et seq., Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause), 28 U.S.C. § 1343; 28 U.S.C. § 1361; and 5 U.S.C. § 702, and common law.

10. This action arises under the Fourth and Fifth Amendments of the United States Constitution and the Immigration and Nationality Act (INA).

11. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See* e.g., *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

12. This Court has jurisdiction under the Suspension Clause to review the actions of the executive branch's enforcement of the immigration laws if those actions violate the Constitution by depriving Petitioner of due process or other constitutional rights. Compare Suspension Clause with 8 U.S.C. § 1252(g); see also *Reno v. Am.-Arab Anti Discrimination Comm.*, 525 U.S. 471, 482 (1999). The Suspension Clause protects the right to the writ of habeas corpus where, as here, no adequate or effective alternative remedy exists. See *Boumediene v. Bush*, 553 U.S. 723 (2008).

## III. VENUE

13. Venue lies in the Eastern District of Michigan, the judicial district in which the ICE Field Office Director is located. See *Roman v. Ashcroft*, 340 F.3d 314, 319-21 (6th Cir. 2003).

14. The Petitioner is in the custody of Respondent, Detroit Immigration and Customs Enforcement, (ICE – Detroit) at Chippewa County Jail in Sault Ste. Marie, Michigan. The Petitioner is under the direct control of the Respondents and their agents.

## IV. PARTIES

15.Carlos Martinez Ramirez is a citizen of the Mexico. He is currently detained by Respondent ICE – Det in the Chippewa County Jail in Sault Ste.

Marie, Michigan.

16.Defendant, Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). She is generally charged with enforcement of the Immigration and Nationality Act and is further authorized to delegate such powers and authority to subordinate employees of the DHS and its various divisions. 8 USC §1103(a). She is being sued in her official capacity.

17. Defendant Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE) and is responsible for the administration of the detention and removal of aliens in the United States. He is being sued in his official capacity.

18. Defendant Kevin Raycraft is the Acting Director of the Detroit Field Office of the Immigration and Customs Enforcement (ICE - Det) He is responsible for the detention and removal of aliens within the Detroit District. He is being sued in his official capacity.

19. Pam Bondi is the Attorney General of the United States. She is responsible for the enforcement of the immigration laws which include the immigration courts. She is being sued in her official capacity.

20. Sirce E. Owen is the Acting Director of the Executive Office of Immigration Review. (EOIR) His responsibilities include overseeing immigration court proceedings, appellate reviews, and administrative hearings, as well as supervising Immigration Judges and members of the Board of Immigration

Appeals. He is being sued in his official capacity.

21. Anna C. Little is the Acting EOIR Chief Immigration Judge. Her responsibilities include managing the nation's immigration courts and supervising all immigration judges. She is being sued in her official capacity.

## V. FACTS

22. Ramirez entered the U.S. on or about April of 2002. He has resided in the U.S. for approximately 23 years.

23. He lives in Illinois with his partner. He has 5 US citizen minor children. His 13-year-old child is severely autistic and requires an elevated level of care. Prior to his detention, the respondent contributed significantly to his children's care and wellbeing.

24. Ramirez owns three residential properties and a profitable business in Illinois. Ramirez built a business with his partner. For example, Ramirez owns a restaurant and a series of food trucks which are now closed due to his detention. His partner cannot run these businesses by herself, and she has had to close them. His family depended on this income for their needs including food and lodging especially his special needs son. This loss of the primary breadwinner has impacted this family immensely.

25. Ramirez's employees at the restaurant have lost their jobs which has impacted these workers and their families. The Petitioner's unlawful detention has

had far reaching detrimental effects.

26. Ramirez's criminal history is limited to traffic matters and an Illinois misdemeanor retail theft where he pleaded guilty and was granted Court supervision in 2005 – over 20 years ago.

27. He is not subject to mandatory detention. Ramirez is not a threat to public safety and is not a flight risk. He is not inadmissible or deportable under 8 U.S. Code § 1226(c)(1) nor is he subject to detention under 1226(c)(1)(E).

28. He is a contributing member of the Illinois community in which he has resided for decades including being a valuable contributor to the Progressive Hispanic Chamber of Commerce.

29. On the July 4, 2025 weekend, Ramirez and his family including his children were vacationing in Petosky, Michigan when he was detained by Detroit Immigration and Customs Enforcement (ICE- Det) for reasons which are still unknown.

30. Through counsel, Ramirez filed a bond motion with the Detroit Immigration Court. On August 8, 2025, the Immigration Judge found that he had no jurisdiction to issue a bond. (Ex. 2 – Bond Order). The Respondents claim that Ramirez is detained pursuant to 8 U.S.C. §1225(b)

31. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from wife, children, and community. His detention is emotionally devastating for his family, especially his son who suffers

from severe autism, and has caused severe financial strain as the family has lost his income.

## VI. APPLICABLE LAW

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

33. 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 been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

34. 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).

35. 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).

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

37. 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.

38. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025). The Laken Riley Act created additional exceptions to § 1226 and authorized mandatory detention for certain categories of noncitizens under § 1226(c). See Pub. L. No. 119-1, 139 Stat. 3 (2025); 8 U.S.C. § 1226(c). Specifically, § 1226(c)(1)(E) (enacted by the Laken Riley Act) requires mandatory detention for people who were charged as being (1) inadmissible under § 1182(a)(6)(A)(i) (the inadmissibility ground for entry without inspection) or (a)(7) (the inadmissibility ground for lacking valid documentation to enter the U.S.) and who (2) have been arrested, charged with, or convicted of certain crimes not relevant here. 8 U.S.C. § 1226(c)(1)(E). The Laken Riley amendments otherwise continued to authorize discretionary detention of noncitizens charged with being inadmissible who do not fall into those enumerated exceptions.

39. 8 U.S.C. §1225(a)] Inspection.-- 235(a)(1) [1225(a)(1)] Aliens treated as applicants for admission.--An alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of this Act an applicant for admission. See also, *Jennings v. Rodriguez*, 583 U.S.

281, 289 (2018) (explaining that 8 U.S.C.§ 1225(b)(2)'s mandatory detention scheme applies to noncitizens "seeking admission into the United States.")

40. 8 U.S.C. §1225(b)(1) applies only to certain aliens who are inadmissible into the United States because they either lack valid entry documents or have attempted to procure their admission through fraud or misrepresentation. The statute generally permits the government to summarily remove those aliens if they are arriving in the United States. This is otherwise known as expedited removal. The statute also authorizes, but does not require, the government to apply this procedure to aliens who are inadmissible on the same grounds if they have been physically present in the country for less than two years.

41. A warrant is not required for an arrest pursuant to 8 U.S.C. §1225. This section grants immigration officers the power to detain aliens who do not appear clearly entitled to admission, allowing for their examination and detention for further inquiry without a warrant. The detention authority under 8 U.S.C. §1225 is automatic and mandatory and therefore no warrant exists for this type of detention. "An applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section 235(b) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1225(b) (2018)" *Matter of Q-Li,* 29 I&N Dec. 66 (BIA 2025).

42. 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard

removal proceedings before an immigration judge. See 8 U.S.C. § 1229(a). Individuals in Section 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

43. This section requires a warrant because once the person has been in the U.S. for over two years, the government must have some probable cause to arrest that person and this must be spelled out in the warrant. See, 8 U.S.C. § 1226(a).

44. The Court has broad, equitable authority under the habeas statute, 28 USC 2241, 2243 and the common law, to dispose of Petitioner's case as law and justice require, based on the facts and circumstances of this case, in order to remedy Petitioner's unlawful detention.

45. The Court should exercise this authority to grant Petitioner's habeas corpus petition and to fashion any and all additional relief, necessary to effectuate Ramirez's expeditious release from unlawful detention. In the absence of such relief, Ramirez is suffering and will continue to suffer irreparable harm.

46. The Due Process Clause provides that no person shall "be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. In this case there has been absolutely no due process of law.

## VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

47. There is no applicable statute or rule that mandates administrative exhaustion. Whether to require exhaustion is thus within the district court's "sound judicial discretion." *Shearson v. Holder*, 725 F.3d 588, 593 (6th Cir. 2013) (citation omitted). *Island Creek Coal Co. v. Bryan,* 937 F.3d 738, 746 (6th Cir. 2009) The Sixth Circuit has not decided whether courts should impose administrative exhaustion in the context of a noncitizen's habeas petition for unlawful mandatory detention. But even if a court would ordinarily enforce prudential exhaustion, it may still choose to waive such exhaustion. *Lopez-Campos*, 2025 WL 2496379, (E.D. Mich. Aug. 29,. 2025) at *4. For example, when the "legal question is fit for resolution and delay means hardship," a court may choose to decide the issues itself. *Shalala v. Ill. Council on Long Term Care ,Inc.*, 529 U.S. 1, 13 (2000) (citation omitted). A court may also excuse exhaustion if the "pursuit of administrative remedies would be a futile gesture." *Shearson*, 725 F.3d at 594 (citation omitted).

48. In this case, there are no administrative remedies to exhaust since the Immigration Judge has denied bond finding that the Petitioner is subject to mandatory detention. The Board has issued a precedent decision stating that people like the Petitioner are subject to mandatory detention. See, *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025).

49. Ramirez faces substantial hardship if the Court declines to address this

issue. The deprivation of liberty, by itself, constitutes a serious hardship. Moreover, Ramirez has lost his business, and his children have been deprived of both their father's presence and the financial support he provides. Courts have recognized that exhaustion requirements may be excused when an administrative remedy operates under "an unreasonable or indefinite timeline." *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992).

## CAUSES OF ACTION

### FIRST CLAIM FOR RELIEF
### VIOLATION OF DUE PROCESS
### FIFTH AMENDMENT OF THE US CONSTITUTION

50. Petitioners reallege the foregoing paragraphs as if set forth fully herein.

51. The Fifth Amendment of the Constitution guarantees that civil detainees, including all immigrant detainees, may not be subjected to punishment. The federal government also violates substantive due process when it subjects civil detainees to cruel treatment and conditions of confinement that amount to punishment.

52. 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)

53. The Supreme Court has long made clear that when the government seeks to deprive an individual of a "particularly important individual interest[]," it must bear the burden of justifying this deprivation by clear and convincing evidence. *Addington v. Texas*, 441 U.S. 418, 424 (1979). Ramirez was suddenly detained without explanation. He has a significant interest at stake, and a "clear and convincing" evidence standard provides the appropriate level of procedural protection. *Id.* at 423.

54. To comport with substantive due process, civil immigration detention must bear a reasonable relationship with its two regulatory purposes— (1) to ensure the appearance of noncitizens at future hearings and (2) to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-91.

55. The Respondents through their actions believe that they can detain Ramirez without affording him due process. His detention has no reasonable relationship to the regulatory purposes of civil detention.

**SECOND CLAIM FOR RELIEF**
**VIOLATION OF FOURTH AMENDMENT**

56. Petitioner realleges the foregoing paragraphs as if set forth fully herein.

57. The Fourth Amendment protection against "unreasonable searches and seizures" is a protection against "arrest without probable cause." *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968); *U.S. v. Avery*, 128 F.3d 974 (6th

Cir. 1997)

58. In this case, the Respondents have detained Ramirez without probably cause and in violation of the Fourth Amendment of the U.S. Constitution.

## THIRD CLAIM FOR RELIEF

## VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

59. Petitioner realleges the foregoing paragraphs as if set forth fully herein.

60. 8 U.S.C.§ 1226(a) mandates that a person be provided a bond redetermination hearing before an immigration court.

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

62. Even before ICE and the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United

States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

63. Subsequently, court after court, including three in this district, has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. See, e.g., *Contreras-Cervantes v. Raycraft*, No. 25-CV-13073 (E.D. Mich. Oct. 17, 2025)(§ 1226(a) is the appropriate framework for bond for noncitizens already in the country facing removal.); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)(§1225(b)(2)(A) does not apply to noncitizens who have already entered unlawfully, only those in the process of arriving.); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)(§1226(a), not § 1225(b)(2)(A), governs; petitioner entitled to bond redetermination.); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem,* No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831

(S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); see also, e.g., *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

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

65. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal

hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

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

67. 8 U.S.C. §1226(a), 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.

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

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

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

71. The application of § 1225(b)(2) to Petitioner mandates his continued unlawful detention and violates the INA and the U.S. Constitution.

## VIII. CONCLUSION

THEREFORE, the Petitioner respectfully requests that this Court:

a. Issue a Writ of Habeas Corpus on the ground that the continued detention of Ramirez violates the Due Process Clause and order Ramirez's immediate release;

b. In the alternative order that Respondent EOIR hold a bond hearing within 3 days;

c. Find that the Respondents have acted in bad faith in violating the U.S.

Constitution and the INA;

d. Award Plaintiffs their costs and reasonable attorneys' fees in this action.

e. Any other relief the Court deems appropriate.

Respectfully submitted:

s/Caridad Pastor Dated: October 28, 2025

Caridad Pastor C (P43551)
Pastor and Associates, P.C.
Attorneys for Petitioner
11 Broadway Suite 1005
New York, New York 10004
(248) 619-0065
carrie@pastorandassociates.com