IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

ANDRES EVANGELISTA ANASTASIO,
on behalf of himself
as an individual and on behalf of others
similarly situated,

Plaintiff,

v.

Kristi NOEM in Official Capacity as of Secretary of DEPARTMENT OF HOMELAND SECURITY; Pam BONDI, in official capacity as US Attorney General; and Todd M. LYONS, in official capacity as Acting Director of Immigration and Customs Enforcement (ICE).

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Plaintiff-Petitioner Andres Evangelista Anastasio ("Plaintiff") is a noncitizen and longtime resident of the United States who is harmed by Defendants-Respondents' (Defendants) new, draconian policy reinterpreting the immigration detention statutes to preclude him from eligibility for bond under the Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a), and for bond hearings under 8 C.F.R. §§ 1003.19(a), 1236.1(d). Instead, pursuant to this new policy, Defendants now consider Plaintiff subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), without the opportunity for release on bond during the pendency of his lengthy removal proceedings.
2. Plaintiff has lived in the United States for many years. He was detained during an immigration enforcement action in Palm Beach County, FL and is now confined at the Miami Federal Detention Center FDC in Miami, FL.
3. Plaintiff is charged with, inter alia, having entered the United States without inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).
4. Based on this allegation in his removal proceedings, DHS denied Plaintiff release from immigration custody. That denial was consistent with a new DHS policy issued on July 8, 2025, instructing ICE employees to consider anyone alleged to be inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without inspection—to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore eligible for release only on parole.
5. Plaintiff sought a bond redetermination hearing before an immigration judge (IJ) at the Miami Krome Immigration Court. The IJ granted Plaintiff a $5,000 bond on August 29, 2025 but revoked the bond on September 11, 2025 due to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). The IJ reasoned that, notwithstanding the many years Plaintiff has lived in the United States, he is nevertheless an "applicant for admission" who is "seeking admission" and subject to mandatory detention under § 1225(b)(2)(A).
6. Plaintiff's detention on this basis violates the plain language of the INA and its implementing regulations.
7. Subparagraph 1225(b)(2)(A) applies to individuals who are apprehended on arrival in the United States. It states that an "applicant for admission" who is "seeking admission" shall be detained for a removal proceeding. Id. It does not apply to individuals like Plaintiff, who

was arrested and detained by ICE after having entered and resided in the United States. Instead, such individuals are subject to a different statute, 8 U.S.C. § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Plaintiff, are charged as inadmissible for having entered the United States without inspection.

8. Defendants' new legal interpretation is plainly contrary to the statutory framework and its implementing regulations. Indeed, for decades, Defendants have applied § 1226(a) to people like Plaintiff. Defendants' new policies are thus not only contrary to law, but arbitrary and capricious in violation of the Administrative Procedure Act (APA). They were also adopted without complying with the APA's procedural requirements.
9. Accordingly, Plaintiff seeks declaratory relief establishing that he is subject to detention under § 1226(a) and its implementing regulations and is therefore entitled to an individualized custody determination following apprehension by DHS and, if not released, a bond determination by the Immigration Court.
10. Additionally, Plaintiff seeks relief under the APA, 5 U.S.C. § 706(2), that vacates and sets aside DHS's unlawful detention policy and the Miami Krome Immigration Court's unlawful bond denial practice.

JURISDICTION

11. Plaintiff is in the physical custody of Defendants and is detained at the Miami Federal Detention Center in Miami, FL.
12. Plaintiff's claims arise under 28 U.S.C. § 2241, the INA, 8 U.S.C. §§ 1101–1538, and its implementing regulations; the APA, 5 U.S.C. §§ 500–596, 701–706; and the U.S. Constitution.
13. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as this is a civil action arising under the laws of the United States, and under 28 U.S.C. § 2241, as the case challenges Plaintiff's unlawful detention.
14. The Court may grant relief pursuant to 28 U.S.C. § 2241; the Declaratory Judgment Act, 28 U.S.C. § 2201; the APA, 5 U.S.C. §§ 702, 706; the All Writs Act, 28 U.S.C. § 1651; Federal Rule of Civil Procedure 65; and the Court's inherent equitable powers.

VENUE

15. Venue properly lies within the Southern District of Florida under 28 U.S.C. § 1391(e), because this is a civil action in which Defendants are employees, officers, and agencies of the United States, Plaintiff is detained in this District, and a substantial part of the events or omissions giving rise to this action occurred in the District because Plaintiff had his bond hearing before the Miami Krome Immigration Court, which is in this District.

PARTIES

16. Plaintiff Andres Evangelista Anastasio was arrested by the Department of Homeland Security (DHS) in July 2025. He is currently detained at the Miami Federal Detention Center under ICE Custody. After arresting him, in August 2025, an IJ at the Miami Krome Immigration Court revoked his original bond, deeming him subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Plaintiff has resided in the United States for many years.
17. Defendant 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 Plaintiff's detention. Defendant Noem has ultimate custodial authority over Plaintiff and is sued in her official capacity.
18. Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
19. Defendant Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.
20. Defendant Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Plaintiff's detention.

LEGAL FRAMEWORK

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

22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention until their removal proceedings are concluded, *see* 8 U.S.C. § 1226(c).
23. 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).
24. Last, the INA also provides for detention of noncitizens who have received a final order of removal from the United States, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
25. This case concerns the detention provisions at § 1226(a) and § 1225(b)(2).
26. 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 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
27. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, 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").
28. Thus, in the decades that followed, most people who entered without inspection and were thereafter arrested and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an IJ, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were

entitled to a custody hearing before an IJ or other hearing officer. In contrast, those who were stopped at the border were only entitled to release on parole. *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)).

29. In recent weeks, Defendants have adopted an entirely new interpretation of the statute. On May 22, 2025, the Board of Immigration Appeals (BIA) issued an unpublished decision holding that all noncitizens who entered the United States without admission or parole are considered applicants for admission, and are therefore ineligible for IJ bond hearings under 8 U.S.C. § 1225(b)(2)(A). *See* ECF No. 5-2 at Exh. J.

30. On July 8, 2025, ICE, "in coordination with the Department of Justice (DOJ)," announced a corresponding policy that rejected the well-established understanding of the statutory and regulatory framework and reversed decades of practice. *See* ECF No. 5-2 at Exh. I.

31. The new policy, entitled Interim Guidance Regarding Detention Authority for Applicants for Admission, claims that all persons who entered the United States without inspection shall now be deemed subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

32. This novel interpretation of the INA would require detention of any person arrested within the United States who entered without inspection and who has not since been admitted or paroled.

33. According to news reports, immigration officials within the Trump administration requested this new policy in response to Congress's recent appropriation of billions of dollars to expand the immigration system, given that ICE will soon have capacity to detain more than twice as many people on any given day.

34. The IJs of the Miami Krome Immigration Court followed suit. These IJs are now holding that they lack jurisdiction to determine bond for any person who has entered the United States without inspection, even if that person has resided here for months, years, or decades. Instead, consistent with the unpublished BIA decision and the new DHS policy, the IJs are concluding such people are subject to mandatory detention under § 1225(b)(2)(A).

35. Nationwide, pursuant to its July 8, 2025 policy, DHS is now asserting that all persons who entered without inspection are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

36. While some IJs in other immigration courts have continued to grant bond to people like Plaintiff, consistent with its new policy, DHS has begun filing Form EOIR-43, Notice of Service Intent to Appeal Custody Redetermination. This notice not only appeals any IJ decision granting bond but also triggers an automatic stay of the bond decision during the appeal. *See* 8 C.F.R. § 1003.19(i)(2).

37. The "auto-stay" provision of 8 C.F.R. § 1003.19(i)(2) prevents noncitizens from posting bond and being released even in jurisdictions where IJs have rejected DHS's unlawful reinterpretation of § 1225(b)(2) and have granted bond.

38. ICE and DOJ have adopted this new and unprecedented position on bond even though federal courts have rejected this exact conclusion. For example, in the Tacoma, Washington, immigration court, IJs previously stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, reasoning such people are subject to mandatory detention under § 1225(b)(2)(A). There, in granting preliminary injunctive relief, the U.S. District Court for 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, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ---, 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025); *see* also Gomes v. Hyde, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion); Diaz Martinez v. Hyde, No. CV 25-11613-BEM, --- F. Supp. 3d ---- 2025 WL 2084238, at *9 (D. Mass. July 24, 2025) (ordering release where noncitizen was redetained based on ICE's assertion of detention authority under § 1225(b)). Further in Matter of Matter of Hurtado, 29 IN Dec 21 (BIA 2025), the BIA ratified this position, rendering immigrants who entered without inspection as being subject to mandatory detention under 9 USC 1225(b)(2).

39. DHS's and DOJ's interpretation defies the INA. As the Rodriguez Vazquez court and other courts explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

40. 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]."
41. 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). Just this year, Congress enacted subparagraph (E) in the Laken Riley Act to exclude certain noncitizens who entered without inspection from § 1226(a)'s default bond provision. Subparagraph (E)'s reference to persons inadmissible under § 1182(a)(6)(A)—i.e., persons inadmissible for entering without inspection—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, 2025 WL 1193850, at *12 (citing Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)). 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.
42. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who very 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); *see* also Diaz Martinez, 2025 WL 2084238, at *8 ("'[O]ur immigration laws have long made a distinction between those [noncitizens] who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality.'" (quoting Leng May Ma v. Barber, 357 U.S. 185, 187 (1958))). 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)).
43. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who had already entered and was residing in the United States at the time of apprehension.

FACTS

44. Petitioner, Andres Evangelista Andres, has lived in Jupiter for approximately over ten years. Petitioner has been arrested, but most charges were dismissed, and none of which make him inadmissible. His last incident with law enforcement was almost 10 years ago, and he has now been able to obtain a driver's license.

45. The Petitioner has deep and meaningful ties to the community, including several U.S. citizen family members who rely on his presence and support. He is widely regarded by family, friends, and colleagues as a hardworking, respectful individual of integrity. The Petitioner is the father of five U.S. citizen children, ages 21, 20, 17, 16, and 13, all of whom depend on him emotionally and financially.

46. His USC children with medical problems:

A. His 16-year-old daughter, **[T.E.O.]**, faces significant medical, psychological, and educational challenges, including:

- Bipolar disorder
- Depression
- Attention Deficit Hyperactivity Disorder (ADHD)
- Acute stress reaction
- Anxiety disorder
- Recent manic episode
- THC and benzodiazepine abuse
- Disruptive mood dysregulation disorder
- Obesity
- Myopia
- Diabetes
- Prior Baker Act placement (involuntary psychiatric hold) due to suicidal ideation
- Receives direct language therapy and specialized instruction with speech consultation services at school

B. His 20-year-old son, **[M.E.O.]**, faces multiple serious medical and psychological conditions, including:

- Depression
- Attention Deficit Hyperactivity Disorder (ADHD) — Predominantly Inattentive Presentation
- Syncope and collapse
- STEMI (ST-elevation myocardial infarction)
- Congenital cerebral cyst
- Anosmia (loss of smell)
- Mixed hyperlipidemia
- History of suicide attempt
- Obesity

C. His 13-year-old daughter, **[A.E.O.]**, faces medical and educational challenges, including:

- Congenital dislocation of one hip
- Hypertrophy of tonsils
- Receives direct language therapy
- Receives specialized instruction in language arts, math, science, and social studies

47. The Petitioner plays an essential role in the medical care, educational progress, and emotional stability of his children. His active involvement is critical to their well-being, safety, and development, and his absence would cause severe hardship to his family.
48. On July 2025, Petitioner was arrested by immigration authorities as part of a largescale immigration enforcement action in Palm Beach County, FL. He is now detained at the Miami Federal Detention Center.
49. DHS placed Petitioner in removal proceedings before the Miami Krome Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who allegedly entered the United States without inspection.
50. On August 29, 2025 the IJ granted Plaintiff a $5,000 bond but on September 12, 2025 the judge revoked the bond due to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).
51. The IJ issued a decision that the immigration court lacked jurisdiction to conduct a bond redetermination hearing because Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

52. As a result, Petitioner remains in detention. Without relief from this Court, they face the prospect of months, or even years, in immigration custody, separated from their family and community.

53. Any appeal to the BIA is futile. DHS's new policy was issued "in coordination with" DOJ. EOIR—the immigration court system—is a component agency of DOJ. Further, as noted, a recent unpublished BIA decision held that persons like Petitioner are subject to mandatory detention as applicants for admission. Finally, in the Rodriguez Vazquez litigation, where EOIR and the Attorney General are defendants, DOJ has affirmed its position that individuals like Petitioner are subject to detention under § 1225(b)(2)(A). *See*, e.g., Mot. to Dismiss, Rodriguez Vazquez v. Bostock, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–30.

CLAIMS FOR RELIEF

COUNT I
Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond
(on behalf of Plaintiff)

54. Plaintiff incorporates by reference the allegations of fact set forth in the preceding paragraphs 1-53.

55. 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 Defendants. Such noncitizens are detained under § 1226(a) and are eligible for release on bond, unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

56. Nonetheless, DHS and the Miami Krome Immigration Court have adopted a policy and practice of applying § 1225(b)(2) to Plaintiff.

57. The unlawful application of § 1225(b)(2) unlawfully mandates their continued detention and violates the INA.

COUNT II

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19
Unlawful Denial of Release on Bond
(on behalf of Plaintiff)

58. Plaintiff incorporates by reference the allegations of fact set forth in paragraphs 1–57 as if fully set forth herein.

59. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at10323 (emphasis added). The agencies 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.

60. Nonetheless, DHS and the Miami Krome Immigration Court have adopted a policy and practice of applying § 1225(b)(2) to Plaintiff.

61. The application of § 1225(b)(2) unlawfully mandates their continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III

Violation of the Administrative Procedure Act
Contrary to Law and Arbitrary and Capricious Agency Policy
(on behalf of Plaintiff)

62. Plaintiff incorporates by reference the allegations of fact set forth in paragraphs 1–61 as if fully set forth herein.

63. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

64. 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 Defendants. Such noncitizens are detained under § 1226(a) and are eligible for release on bond, unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

65. Nonetheless, DHS and the Miami Krome Immigration Court IJs have a policy and practice of applying § 1225(b)(2) to detainees.

66. Moreover, Defendants have failed to articulate reasoned explanations for their decisions, which represent changes in the agencies' policies and positions; have considered factors that Congress did not intend to be considered; have entirely failed to consider important aspects of the problem; and have offered explanations for their decisions that run counter to the evidence before the agencies.

67. The application of § 1225(b)(2) is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

COUNT IV

Violation of the Administrative Procedure Act
Failure to Observe Required Procedures
(on behalf of Plaintiff)

68. Plaintiff incorporates by reference the allegations of fact set forth paragraphs 1–67 as if fully set forth herein.

69. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law." 5 U.S.C. § 706(2)(D). Specifically, the APA requires agencies to follow public notice-and-comment rulemaking procedures before promulgating new regulations or amending existing regulations. *See* 5 U.S.C. § 553(b), (c).

70. Defendants failed to comply with the APA by adopting its policy and departing from its regulations without any rulemaking, let alone any notice or meaningful opportunity to comment. Defendants failed to publish any such new rule despite affecting the substantive rights of thousands of noncitizens under the INA, as required under 5 U.S.C. § 553(d).

71. Had Defendants complied with the advance publication and notice and-comment rulemaking requirements under the APA, members of the public and organizations that

advocate on behalf of noncitizens like Plaintiffs would have submitted comments opposing the new policies.

72. The APA's notice and comment exceptions related to "foreign affairs function[s] of the United States," id. § 553(a)(1), and "good cause," id. § 553(d)(3), are inapplicable.

73. Defendants' adoption of their no-bond policies therefore violates the public notice-and-comment rulemaking procedures required under the APA.

COUNT V
Violation of Fifth Amendment Due Process Clause
(on behalf of Plaintiff)

74. Plaintiff incorporates by reference the allegations of fact set forth paragraphs 1–73 as if fully set forth herein.

75. The Fifth Amendment provides that "[n]o person" shall be "be deprived of life, liberty, or property, without due process of law."

76. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

77. Moreover, "[t]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." Id. at 693.

78. Defendants' mandatory detention of Plaintiff without consideration for release on bond or access to a bond hearing violates their due process rights.

PRAYER FOR RELIEF

WHEREFORE,

79. Plaintiff respectfully requests that this Court assume jurisdiction over this matter;

80. As remedies for each of the causes of action asserted above, Plaintiff

a. requests that this Court:

b. Declare that Defendants' policy and practice of denying consideration for bond on the basis of § 1225(b)(2) to Plaintiff Andres Evangelista Anastasio violates the INA, its implementing regulations, the APA, and the Due Process Clause;

c. Issue a writ of habeas corpus requiring that Defendants release Named

d. Plaintiff Andres Evangelista Anastasio or provide them with a bond hearing pursuant to 8 U.S.C.§ 1226(a) or the Due Process Clause within 7 days;
e. Set aside the denial of bond hearing that Defendants issued to Andres Evangelista Anastasio and order Defendants to provide a new bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days;
f. Set aside Defendants' unlawful detention policy under the APA, 5 U.S.C. § 706(2), as contrary to law, arbitrary and capricious, and contrary to constitutional right;
g. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, and on any other basis justified under law; and
h. Grant any other and further relief that this Court deems just and appropriate.

DATED this 4th day of November, 2025.

s/ Rogell Levers

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