

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

JUCIRLEY ALVES DE ANDRADE;

Petitioner

v.

BRYAN PATTERSON, in his official capacity as
Warden of Pine Prairie ICE Processing Center;

TODD LYONS, in his official capacity as
Acting Director of U.S. Immigration and Customs
Enforcement

PAMELA BONDI, in her official capacity as U.S.
Attorney General;

Respondents.

Civil Action No. 6:25-cv-01695

**VERIFIED PETITION FOR
WRIT OF HABEAS
CORPUS, ORDER OF
SHOW CAUSE
REQUESTED WITHIN
THREE DAYS**

INTRODUCTION

1. Immigration and Customs Enforcement (“ICE”) and the Department of Justice (“DOJ”) are unlawfully detaining Petitioner-Plaintiff Jucirley Alves de Andrade (“Mr. Alves de Andrade”). The Immigration Court, a subcomponent of DOJ, refuses to provide him a bond hearing. As such, his detention violates 8 U.S.C. § 1226(a) and the Fifth Amendment of the United States Constitution.

2. DOJ claims that the statutory basis for Mr. Alves de Andrade’s detention is 8 U.S.C. § 1225, which does not allow for release on bond. However, because ICE arrested him within the interior of the United States, 8 U.S.C. § 1226(a) provides the statutory basis for his detention.

Section 1226(a) allows for release on bond and conditions during the pendency of immigration proceedings. As such, his continued detention without a hearing violates 8 U.S.C. § 1226(a).

3. Despite a century of settled law and practice, DOJ continues to disclaim its responsibility to provide Mr. Alves de Andrade a bond hearing. This new bond hearing denial policy violates his procedural due process right to be heard concerning whether the government should continue to deprive him of his liberty.

JURISDICTION AND VENUE

4. This case arises under the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 1101 *et seq.*, and the Fifth Amendment of the United States Constitution.

5. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 2241, *et seq.* (habeas corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory Judgment Act); and Art. 1, § 9, cl. 2 of the United States Constitution (Suspension Clause).

6. Venue is proper in this Court because Mr. Alves de Andrade is detained at Pine Prairie ICE Processing Center (“PPIP”), which is located in this district and because Respondent Bryan Patterson, his immediate custodian, is located in this district.

PARTIES

7. Petitioner, Mr. Alves de Andrade, has been detained by ICE since September 12, 2025. ICE is currently holding him at PPIP.

8. Respondent Bryan Patterson is Warden of PPIP, where Mr. Alves de Andrade is currently detained. He is Mr. Alves de Andrade’s immediate custodian. He is sued in his official capacity.

9. Respondent Todd Lyons is Acting Director of ICE. He is responsible for the administration and enforcement of the immigration laws and as such is a custodian of Mr. Alves de Andrade. He is sued in his official capacity.

10. Respondent Pamela Bondi is the Attorney General of the United States and head of DOJ. The Executive Office of Immigration Review is a component of DOJ and is comprised of the Board of Immigration Appeals (“BIA”) and the Immigration Court. The Immigration Court is depriving Mr. Alves de Andrade of a bond hearing. She is sued in her official capacity.

LEGAL FRAMEWORK

11. The Government may not “deprive []” any “person . . . of . . . liberty . . . without due process of law.” U.S. Const. amend. V. 11. As such, “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987).

12. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 678 (2001). The Due Process Clause protects citizens and noncitizens alike against arbitrary and unreasonable government detention. *Id.* at 693.

13. For decades, the immigration system has implemented this balance through a network of three mutually exclusive detention statutes.

14. First, under 8 U.S.C. § 1231(a)(1)(A), ICE must detain a noncitizen for the first ninety days after a removal order becomes final. *Jennings v. Rodriguez*, 583 U.S. 281, 298 (2018). This statute is not at issue in this case.

15. Second, 8 U.S.C. § 1225 mandates detention and "applies primarily to aliens seeking entry into the United States" who claim fear of return to their home country at a United States border. *Id.* at 297.

16. Third, detention of noncitizens in removal proceedings not apprehended on the border has traditionally been governed by 8 U.S.C. § 1226. *Id.* at 285. That statute grants the Attorney General discretion to determine whether a noncitizen, except those with certain criminal histories, may be released on bond. 8 U.S.C. § 1226(a). Noncitizens detained under 8 U.S.C. § 1226(a) are entitled to individualized determinations concerning their eligibility for release for the pendency of removal proceedings. *See Lopez Santos v. Noem*, No. 3:25-CV-01193, 2025 WL 2642278, at *5 (W.D. La. Sept. 11, 2025).

17. This system – in which noncitizens arrested within the United States are generally eligible for a bond hearing and release during immigration proceedings – has existed essentially in its current form since Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, Div. C, § 3003, 110 Stat. 3009-546, 3009-585 to 3009-587 (codified at 8 U.S.C. § 1226).

18. On September 5, 2025, the BIA classified noncitizens arrested in the United States that have not been admitted to the United States as “applicants for admission” pursuant to U.S.C. § 1225(b) and purporting to divest the Immigration Court of jurisdiction over their bond hearings. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216, 228 (BIA 2025).

19. A multitude of district courts have found that these noncitizens are detained under 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b) and ordered the Immigration Court to provide them individualized bond hearings. *See e.g. Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136, at *4 (W.D. La. Aug. 27, 2025); *Lopez Santos*, 2025 WL 2642278, at *5.

20. In so holding, the courts have found that *Yajure Hurtado* is not entitled to deference. See e.g. *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *7 (W.D. Tex. Sept. 22, 2025); *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346, at *3 n.3 (S.D. Tex. Oct. 7, 2025).

21. A growing consensus of courts have remedied DOJ's 8 U.S.C. § 1225(a)/ 8 U.S.C. § 1225(b) misclassification by "ordering a bond hearing, at which the Government bears the burden of justifying the immigration habeas petitioner's continued detention by clear and convincing evidence." *Lopez-Arevelo*, WL 2691828, at *13.

FACTUAL ALLEGATIONS

22. Mr. Alves de Andrade entered the United States without inspection on or about May 10, 2021. Since his arrival, he has lived a quiet and productive life, working steadily, paying taxes, and providing for his wife and twenty-year-old U.S. citizen daughter. He has no criminal convictions.

23. On September 12, 2025, while exiting a Home Depot in Avon, Massachusetts, Mr. Alves de Andrade was approached and detained by ICE officers. Prior to his detention, Mr. Alves de Andrade resided with his wife and U.S. citizen daughter at their family home in Worcester, Massachusetts.

24. Since his detention, his family was placed under extreme financial and emotional strain. Mr. Alves de Andrade is solely responsible for supporting his family, including paying the mortgage, household bills, insurance and food expenses.

25. On October 22, 2025, his wife suffered a stroke as a result of high level of stress associated with her husband's detention. Following her discharge from the hospital, she was twice readmitted to the emergency room due to recurrent symptoms associated with high stress levels

and concerns of another stroke. She is currently at home recovering, unable to work and unable to contribute to the family's financial needs.

26. Mr. Alves de Andrade's continued detention caused profound hardship for his family. As the family's primary breadwinner, his absence left his wife and U.S. citizen daughter struggling to pay their mortgage and meet basic living expenses. He is concerned for their well-being, the stability of their housing, and their ability to access essential medical care during this difficult period.

27. To date, Mr. Alves de Andrade remains detained at PPIPC in Louisiana after being served with a Notice to Appear and placed in removal proceedings.

28. Louisiana ICE Detention Facilities are plagued by allegations of inadequate medical care, unsanitary living conditions, and routine overuse of solitary confinement.¹ In 2024, ICE's own audit found that the PPIPC facility violated two different Prison Rape Elimination Act standards.² Eight people have died at Louisiana Detention Centers since 2016.³ In fact, just this fiscal year, ten people have died while under ICE's custody – more than twice as many as last year and three times as many as the year before⁴.

¹ See e.g. Robert F. Kennedy Human Rights, *et al.*, *Inside the Black Hole, Systemic Human Rights Abuses Against Immigrants Detained & Disappeared in Louisiana*, Aug. 2024,

https://www.laaclu.org/app/uploads/2024/08/inside_the_black_hole_systemic_human_rights_abuses_against_immigrants_detained_disappeared_in_louisiana.pdf;

Brennan Center for Justice, *Immigration Detention and COVID-19*, Jan. 7, 2022,

<https://www.brennancenter.org/our-work/research-reports/immigration-detention-and-covid-19>;

Joel Rose, *Internal ICE Reviews Of Two Immigrant Deaths Stoke Fears About COVID-19 Care*, National Public Radio, Apr. 29, 2020, <https://www.npr.org/2020/04/29/847838342/internal-ice-reviews-of-two-immigrant-deaths-stoke-fears-about-covid-19-care>

² ICE Office of Professional Responsibility, *CAP Final Determination Report and PREA Compliance Audit Report Pine Prairie ICE Processing Center (PPIPC)*, at 2, May 16, 2024,

<https://www.geogroup.com/media/ia4acm1i/pine-prairie-ipc-final-report-2024.pdf>.

³ *Deaths at Adult Detention Centers*, American Immigration Lawyers Association, updated Sep. 23, 2025, <https://www.aila.org/deaths-at-adult-detention-centers#2024>.

⁴ Daniella Silva, *The Number of deaths in ICE custody is already more than double all of last year*, NBC News, Jun. 1, 2024, <https://www.nbcnews.com/news/us-news/number-deaths-ice-custody-already-double-last-year>

29. On information and belief, the Immigration Court will not grant Mr. Alves de Andrade a bond hearing pursuant to *Yajure Hurtado*. This has been the Immigration Court's uniform practice since the BIA issued *Yajure Hurtado* on September 5, 2025.

CLAIM FOR RELIEF

COUNT ONE
VIOLATION OF 8 U.S.C. § 1226(a)

30. Mr. Alves de Andrade realleges and incorporates by reference each and every allegation contained above.

31. Under § 1226(a) and its associated regulations, Mr. Alves de Andrade is entitled to a bond hearing. *See* 8 C.F.R. §§ 236.1(d), 1236.1, 1003.19(a)-(f).

32. The mandatory detention provisions at 1225(b) does not apply to Mr. Alves de Andrade because he was present and residing in the United States before ICE arrested him and placed him in removal proceedings. *See e.g. Kostak*, 2025 WL 2472136, at *4; *Lopez Santos*, 2025 WL 2642278, at *5. Such noncitizens may only be detained pursuant to § 1226(a), unless they are subject to mandatory detention under § 1226(c). Detention under § 1226(a) requires access to bond hearings.

33. DOJ has not provided and will not provide Mr. Alves de Andrade with a bond hearing as required by § 1226(a). His continued detention without a bond hearing is therefore unlawful.

COUNT TWO
VIOLATION FIFTH AMENDMENT
RIGHT TO PROCEDURAL DUE PROCESS

34. Mr. Alves de Andrade realleges and reincorporates by reference each and every allegation contained above.

35. Procedural due process requires a custody hearing before an independent and impartial adjudicator. *See Marcello v. Bonds*, 39 U.S. 302, 307 (1955). In determining how much process is due noncitizens challenging ICE custody, courts apply the following balancing test “1) the private interest affected by the government action; 2) the risk that current procedures will cause an erroneous deprivation of the private interest, and the extent to which that risk could be reduced by additional safeguards; and 3) the government's interest in maintaining the current procedures, including the function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail.” *Maniar v. Warden Pine Prairie Corr. Ctr.*, No. 6:18-CV-00544, 2018 WL 11544220, at *2 (W.D. La. July 11, 2018).

36. Mr. Alves de Andrade’s liberty interest is significant as “[t]he interest in being free from physical detention” is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Mr. Alves de Andrade also has an interest in family integrity. *See Martinez v. Noem*, No. 5:25-CV-01007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025). Mr. Alves de Andrade, as a civil detainee, also has an interest in non-punitive conditions of confinement. *Peregrino Guevara v. Witte*, No. 6:20-CV-01200, 2020 WL 6940814, at *6 (W.D. La. Nov. 17, 2020), *report and recommendation adopted*, No. 6:20-CV-01200, 2020 WL 6929700 (W.D. La. Nov. 24, 2020). DOJ’s refusal to provide Mr. Alves de Andrade with a bond hearing is keeping him detained and away from his family in punitive conditions.

37. The risk of erroneous deprivation without a hearing is high. The purpose of immigration detention is to prevent dangerous noncitizens from harming members of the community and preventing flight during removal proceedings. *Zadvydas*, 533 U.S. at 690-91; *Demore v. Kim*, 538 U.S. 510, 527-28 (2003). Because “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception,” mandatory detention in

situations other than those explicitly authorized by Congress “turns these well-established procedural principles on their heads and carries a significant risk of erroneous deprivation.” *Martinez*, 2025 WL 2598379, at *3. Detention without a hearing means that noncitizens are not provided with “an opportunity to contest the existence, nature, or significance of” any violations or an individualized assessment from a neutral arbiter. *Lopez-Arevelo*, 2025 WL 2691828, at *11. The lack of these protections runs an unacceptably high risk of depriving the liberty of non-dangerous individuals who present minimal flight risks. *Id.*

38. Additional safeguards would reduce the risk of erroneous deprivation as a bond hearing “will allow an immigration judge conducting a bond hearing to make a determination on specific facts whether continued detention is necessary to ensure presence at removal hearings and safety for the community. *Vieira v. Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880, at *7 (W.D. Tex. Oct. 16, 2025). These safeguards have been in place in cases like Mr. Alves de Andrade’s for over a century. *See* 34 Stat. 904-05, § 20 (1907) (providing for release on bond for noncitizens alleged to have entered the United States unlawfully); 39 Stat. 874, 890-91, §§ 19, 20 (1917) (similar); 66 Stat. 163, §§ 241(a)(2), 242(a) (1952) (last codified at 8 U.S.C. § 1252(a)(1) (1994)) (providing for release on bond, including for noncitizens alleged to have entered the United States without inspection). A bond hearing therefore would provide him “the opportunity to be heard and receive a meaningful assessment of whether he is dangerous or likely to abscond” and would therefore “greatly reduce the risk of an erroneous deprivation of his liberty.” *Lopez-Arevelo*, 2025 WL 2691828, at *11.

39. As such, ICE’s continued detention of Mr. Alves de Andrade deprives him of liberty without procedural due process.

PRAYER FOR RELIEF

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

- a) Assume jurisdiction over this matter;
- b) Order Respondents to show cause why the writ should not be granted “within three days unless for good cause additional time, not exceeding twenty days, is allowed,” and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243;
- c) Grant this Writ and order Respondent Bondi to provide Mr. Alves de Andrade with an individualized bond hearing at which ICE bears the burden of proving by clear and convincing evidence that he is a danger to the community or irredeemable flight risk;
- d) Award Mr. Alves de Andrade costs and reasonable attorneys’ fees in this action under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified by law; and
- e) Grant any other and further relief which this Court deems just and proper.

Date: November 5, 2025.

/s/ Nathalia Dickson
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**VERIFICATION BY SOMEONE ACTING
ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242**

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

Dated: November 5, 2025.

Respectfully submitted,

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