

Kevin MacMurray Esq.,  
MacMurray & Associates LLC  
Two Center Plaza Suite 605  
Boston MA 02108  
(617) 742 8161  
BBO# 558192  
Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF VERMONT

	)	
CARLA CRISTINA PIEDRAHITA-SANCHEZ,	)	
	)	
	)	Case No. 2:25-CV-00875
Petitioner-Plaintiff,	)	
	)	
V.	)	
	)	<b>PETITION FOR WRIT OF</b>
JONATHAN TUREK, Interim Superintendent of	)	
Chittenden Regional Correctional Facility	)	
PATRICIA HYDE, Acting Field Office Director;	)	<b>HABEAS CORPUS</b>
TODD LYONS, Acting Director, U.S.	)	
Immigrations and Customs Enforcement;	)	
SIRCE OWEN, Acting Director, Executive Office	)	
For Immigration Review;	)	
PAMELA BONDI, U.S. Attorney General;	)	
and KRISTI NOEM, U.S. Secretary of	)	
Homeland Security,	)	
Respondents-Defendants.	)	
_____	)	

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO  
28 USC §2241 & EMERGENCY REQUEST FOR ORDER NOT TO REMOVE  
PETITIONER FROM THE DISTRICT OF VERMONT OR THE U.S.**

This petition for writ of habeas corpus is being filed on behalf of Carla Cristina Piedrahit Sanchez (Ms. Piedraha or Petitioner) seeking relief for her unlawful detention at the Chittenden Regional Correctional Facility (CRCF). **Ms. Piedraha also requests an order that she not be removed from the United States or moved out of the**

**territory of the District of Vermont pending further order of this Court, to preserve this Court's jurisdiction, and pursuant to the All Writs Act, 28 U.S.C. § 1651.**

Currently the U.S. Department of Homeland Security (“DHS”) and the U.S. Department of Justice (“DOJ”) has reversed decades of settled immigration practice and denied all immigration bond hearings. Specifically, DHS and DOJ are misclassifying people arrested inside the United States. These people are generally subject to the detention provisions of 8 U.S.C. § 1226, which usually allows for release on bond and conditions during the pendency of immigration proceedings. This misclassification is contrary to settled law and practice, and it is unlawfully premised solely upon the manner in which the person initially entered the country - in this case decades ago. Accordingly, to vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

Absent an order from this Court granting habeas relief, Petitioner will remain indefinitely detained without meaningful opportunity to secure release on bond, in violation of both statutory and constitutional protections.

Petitioner asks this Court to find that the Department of Homeland Security and Department of Justice are unlawfully detaining her under 8 U.S.C. § 1225(b), when the governing statute is 8 U.S.C. § 1226(a), and that such detention without a bond hearing violates her statutory and constitutional rights. Petitioner further asks this Court to order her immediate release or, in the alternative, to order the government to provide her with an individualized bond hearing before an Immigration Judge within seven (7) days of the Court’s order.

### **PETITIONER’S FACTS**

1. Ms. Piedrahita was requested to report to the ISAP office on Saturday November 1, 2025 at 9:00AM. Ms. Piedrahita was detained at that time. On November 2, 2025, she was transferred to the Chittenden Regional Correctional Facility (CRCF) in South Burlington, Vermont.

2. She entered on November 10, 2022 in Texas together with her family Edwin Anderson Barrera Arboleda (husband), J [REDACTED] (9 years old), M [REDACTED] C [REDACTED] (6 years old).

3. They were detained, released and issued an Notice to Appear November 14 2022. They have filed an asylum application within the one year deadline. All family members are currently scheduled for a Master hearing on March 2, 2027 at 9:00 AM before immigration Judge Furlong.

4. Ms. Piedrahita has committed no crimes in the United States, has complied with all directives and orders and has presented a good faith claim for asylum. She is not a flight risk or danger to the community.

5. Currently the U.S. Department of Homeland Security (“DHS”) and the U.S. Department of Justice (“DOJ”) has reversed decades of settled immigration practice and denied all immigration bond hearings

6. Specifically, DHS and DOJ are misclassifying people arrested inside the United States. These people are generally subject to the detention provisions of 8 U.S.C. § 1226, which usually allow for release on bond and conditions during the pendency of immigration proceedings.

7. This misclassification is contrary to settled law and practice, and it is unlawfully premised solely upon the manner in which the person initially entered the country - in this case decades ago.

8. Petitioner resides in Massachusetts. Although Petitioner’s detention is authorized, if at all, by 8 U.S.C. § 1226(a), which entitles her to a bond hearing, on information and belief ICE is detaining her pursuant to 8 U.S.C. § 1225(b)(2) and, under Matter of Hurtado, will not provide her a bond hearing, instead requiring her to be held in no-bond detention.

9. DHS has served Petitioner with a Notice to Appear alleging that she was not previously admitted or paroled into the United States, and that she is present in the United States without immigration status.

10. As a person arrested inside the United States and held in civil immigration detention for pending removal proceedings, Petitioner is subject to detention, if at all, pursuant to 8 U.S.C. § 1226. See, e.g., *Romero*, 2025 WL 2403827, at \*1, 8-13 (collecting cases). Petitioner lacks any criminal predicates that could subject her to mandatory detention under 8 U.S.C. § 1226(c) and is subject to detention, if at all, under 8 U.S.C. § 1226(a).

11. As a person detained under 8 U.S.C. § 1226(a), Petitioner must, upon his request, receive a bond hearing with strong procedural protections. See *Hernandez-Lara*, 10 F.4th at 41; *Doe*, 11 F.4th at 2; *Brito*, 22 F.4th at 256-57 (affirming class-wide declaratory judgment); 8 C.F.R. §§ 236.1(d), 1003.19(a)-(f).

12. Petitioner requests such a bond hearing.

13. Under *Matter of Hurtado*, however, the responsible administrative agency has predetermined that Petitioner will be denied a bond hearing, and the government is holding Petitioner under the purported authority of 8 U.S.C. § 1225(b)(2), under which Petitioner will not receive a bond hearing.

### **JURISDICTION, VENUE, AND PARTIES**

14. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I § 9, cl. 2 of the U.S. Constitution (Suspension Clause).

15. Venue is proper because Petitioner resides in Massachusetts, but is detained in the District of Vermont.

16. Respondent Jonathan Turek is the Interim Superintendent of the Chittenden Regional Correctional Facility and is the direct custodian of Petitioner.

17. Respondent Patricia Hyde is the Acting New England Field Office Director for U.S. Immigration and Customs Enforcement.

18. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.

19. Respondent Sirce Owen is the Acting Director of EOIR and has ultimate responsibility for overseeing the operation of the immigration courts and the Board of Immigration Appeals, including bond proceedings.

20. Respondent Pamela Bondi is the Attorney General of the United States and administers the Department of Justice, including EOIR, the BIA, and the Immigration Courts.

21. Respondent Kristi Noem is the U.S. Secretary of Homeland Security and administers the Department of Homeland Security.

22. All respondents are named in their official capacities. One or more of the respondents is Petitioner's immediate custodian.

### **LEGAL FRAMEWORK**

23. Petitioner is present in the United States and, on information and belief, the DHS has alleged or will allege that Petitioner was not previously admitted or paroled into the United States.

24. Petitioner cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(1), including because Petitioner does not meet the criteria for Expedited Removal. *See Make the Road New York v. Noem*, No. 25-190, 2025 WL 2494908, at \*23 (D.D.C. Aug. 29, 2025).

25. Petitioner cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(2), including because, as a person already present in the United States, Petitioner is not presently “seeking admission” to the United States. *See Aguiriano v. Romero v. Hyde*, No. 25-11631, 2025 WL 2403827, at \*1, 8-13 (D. Mass. Aug. 19, 2025).

26. On information and belief, Petitioner was not, at the time of arrest, paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A), and therefore Petitioner could not “be returned” under that provision to mandatory custody under 8 U.S.C. § 1225(b) or any other form of custody. Petitioner is not subject to mandatory detention under § 1225 for this reason, as well.

27. Instead, as a person arrested inside the United States and held in civil immigration detention, Petitioner is subject to detention, if at all, pursuant to 8 U.S.C. § 1226. *See Aguiriano*, 2025 WL 2403827, at \*1, 8-13 (collecting cases).

28. Petitioner is not lawfully subject to mandatory detention under 8 U.S.C. § 1226(c), including because he has not been convicted of any crime that triggers such detention. *See Demore v. Kim*, 538 U.S. 510, 513-14, 531 (2003) (allowing mandatory detention under § 1226(c) for brief detention of persons convicted of certain crimes and who concede removability).

29. Accordingly, Petitioner is subject to detention, if at all, under 8 U.S.C. § 1226(a).

30. As a person detained under 8 U.S.C. § 1226(a), Petitioner must, upon her request, receive a custody redetermination hearing (colloquially called a “bond hearing”) with strong procedural protections. *See Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021); *Doe v. Tompkins*, 11 F.4th 1, 2 (1st Cir. 2021); *Brito v. Garland*, 22 F.4th 240, 256-57 (1st Cir. 2021) (affirming class-wide declaratory judgment); 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

31. Petitioner requests such a bond hearing. However, on September 5, 2025, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of Immigration Appeals issued

a decision which purports to require the Immigration Court to unlawfully deny a bond hearing to all persons such as Petitioner.<sup>1</sup>

32. The responsible administrative agency has therefore predetermined that Petitioner will be denied a bond hearing.

33. Petitioner is being irreparably harmed by her ongoing unlawful detention without a bond hearing. *See Aguiriano*, 2025 WL 2403827, at \*6-8 (no exhaustion required because “[o]bviously, the loss of liberty is a . . . severe form of irreparable injury” (internal quotation marks omitted)); *Flores Powell v. Chadbourne*, 677 F. Supp. 2d 455, 463 (D. Mass. 2010) (declining to require administrative exhaustion, including because “[a] loss of liberty may be an irreparable harm”); *cf. Brito v. Garland*, 22 F.4th 240, 256 (1st Cir. 2021) (citing *Bois v. Marsh*, 801 F.2d 462, 468 (D.C. Cir. 1986), for proposition that “[e]xhaustion might not be required if [the petitioner] were challenging her incarceration . . . or the ongoing deprivation of some other liberty interest”).

34. The Immigration Court lacks jurisdiction to adjudicate the constitutional claims raised by Petitioner, and any attempt to raise such claims would be futile. *See Flores-Powell*, 677 F. Supp. 2d at 463 (holding “exhaustion is excused by the BIA’s lack of authority to adjudicate constitutional questions and its prior interpretation” of the relevant statute).

35. Accordingly, there is no requirement for Petitioner to further exhaust administrative remedies before pursuing this Petition. *See Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74, (1st Cir. 1997) (explaining that, where statutory exhaustion is not required, administrative exhaustion not required in situations of irreparable harm, futility, or predetermined outcome). *See Also Gomes v. Hyde*, No. 25-11571, 2025 WL 1869299, at \*4 (D. Mass. July 7, 2025) (“[E]xhaustion is not required by statute in this context.”).

---

<sup>1</sup> The BIA’s reversal and newly revised interpretation of the statute are not entitled to any deference. *See Loper Bright Ent. v. Raimondo*, 603 U.S. 369, 412-13 (2024).

35. In *Guerrero Orellana v. Moniz*, No. 25-cv-12664-PBS (D. Mass. Oct. 30, 2025), the court squarely rejected DHS’s expansive interpretation of INA § 1225(b)(2)(A) and held that noncitizens arrested inside the United States after entry are subject to discretionary detention under § 1226(a), not mandatory detention as “applicants for admission.” Judge Saris emphasized that § 1225(b)(2)(A) “is all about border processing,” and therefore individuals apprehended domestically—even if they initially entered without inspection—are not “seeking admission” and must be afforded bond hearings unless they fall within limited statutory exceptions such as expedited removal or § 1226(c). The court certified a class and granted relief, recognizing that DHS’s contrary position unlawfully forecloses bond hearings and conflicts with the statutory text. This recent ruling supports the argument that Petitioner here, likewise apprehended within the United States, is entitled to an individualized custody redetermination before an Immigration Judge pursuant to § 1226(a).

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **Violation of 8 U.S.C. § 1226(a) and Associated Regulations**

36. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

37. Under § 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. See 8 C.F.R. §§ 236.1(d), 1236.1, 1003.19(a)-(f).

38. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

39. Petitioner’s continuing detention is therefore unlawful.

## COUNT TWO

### Violation of Fifth Amendment Right to Due Process

#### (Failure to Provide Bond Hearing Under 8 U.S.C. § 1226(a))

40. Because Petitioner is subject to detention, if at all, under 8 U.S.C. § 1226(a), the Due Process Clause of the Fifth Amendment to the United States Constitution requires that they receive a bond hearing with strong procedural protections. See *Hernandez-Lara*, 10 F.4th at 41; *Doe*, 11 F.4th at 2; *Brito*, 22 F.4th at 256-57.

41. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

42. Petitioner's continuing detention is therefore unlawful.

## COUNT THREE

### Violation of Fifth Amendment Right to Due Process

#### 7(Failure to Provide an Individualized Hearing for Domestic Civil Detention)

43. The Fifth Amendment's Due Process Clause specifically forbids the Government to "deprive[]" any "person . . . of . . . liberty . . . without due process of law." U.S. Const. amend. Case 1:25-cv-12664-PBS Document 10 Filed 09/22/25 Page 14 of 19 15 V.

44. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693; cf. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139-40 (2020) (holding noncitizens' due process rights were limited where the person was not residing in the United States, but rather had been arrested 25 yards into U.S. territory, apparently moments after he crossed the border while he was still "on the threshold").

45. "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*, 533 U.S. 678 at (2001).

46. The Supreme Court, thus, “has repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection,” including an individualized detention hearing. *Addington*, 441 U.S. at 425; *see also Salerno*, 481 U.S. at 755; *Foucha*, 504 U.S. at 81-83; *Hendricks*, 521 U.S. at 357.

47. Petitioner will be held without being provided any individualized detention hearing.

48. Petitioner’s continuing detention is therefore unlawful, regardless of what statute might apply to purportedly authorize such detention.

#### **COUNT FOUR**

##### **Violation of Fifth Amendment Right to Due Process**

##### **(Substantive Due Process)**

49. Because Petitioner is not being provided a bond hearing, the government is not taking any steps to effectuate its substantive obligation to ensure that immigration detention bears a “reasonable relation” to the purposes of immigration detention (i.e., Case 1:25-cv-12664-PBS Document 10 Filed 09/22/25 Page 15 of 19 16 the prevention of flight and danger to the community during the pendency of removal proceedings) and is not impermissibly punitive. *See Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 532-33 (Kennedy, J., concurring).

50. Petitioner’s detention is therefore unlawful, regardless of what statute might apply to purportedly authorize such detention.

#### **COUNT FIVE**

##### **Violation of Administrative Procedure Act (5 U.S.C. § 706)**

51. Petitioner is being detained without a bond hearing pursuant to the BIA’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025).

52. The BIA's decision in *Matter of Hurtado* is unlawful because it violates the Administrative Procedure Act, including because the BIA's decision is arbitrary, capricious, and contrary to law.

53. Petitioner's detention is therefore unlawful.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of Vermont or the United States while this matter is pending;
- (3) Declare that Petitioner's detention is unlawful;
- (4) Order that Petitioner be afforded a Bond hearing;
- (5) Order Petitioner's release on conditions the Court deems just and proper pending adjudication of this petition;

Dated at Montpelier, Vermont on November 7, 2025.

/s/ Dawn Seibert  
Dawn Seibert  
Prisoners' Rights Office  
6 Baldwin St., 4<sup>th</sup> Fl  
Montpelier, VT 05633  
(802) 828-3194  
[dawn.seibert@vermont.gov](mailto:dawn.seibert@vermont.gov)

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, CARLA CRISTINA PIEDRAHITA-SANCHEZ, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated at Montpelier, Vermont on November 7, 2025.

/s/ Dawn Seibert

Dawn Seibert

Prisoners' Rights Office

6 Baldwin St., 4<sup>th</sup> Fl

Montpelier, VT 05633

(802) 828-3194

dawn.seibert@vermont.gov

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document will be served on counsel for all parties through the Court's CM/ECF system.

Dated at Montpelier, Vermont on November 7, 2025.

/s/ Dawn Seibert

Dawn Seibert

Prisoners' Rights Office

6 Baldwin St., 4<sup>th</sup> Fl

Montpelier, VT 05633

(802) 828-3194

dawn.seibert@vermont.gov