


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION

TAREK ALKHATIB (A ) )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 KRISTI NOEM, Secretary, U.S. Department of )  
 Homeland Security; SAMUEL OLSEN, Interim )  
 Field Office Director, Chicago Field Office, )  
 Immigration and Customs Enforcement; )  
 MIKE LEWIS, Jailer, Hopkins County Jail, )  
 )  
 Respondents. )

Case No. 4:25-cv-00139

Chief Judge Greg N. Stivers

**REPLY TO RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE AND  
RESPONSE TO MOTION TO DISMISS PETITIONER'S HABEAS CORPUS PETITION**

Petitioner submits this reply to Respondent's Response and Motion to Dismiss his Petition for Writ of Habeas Corpus. Petitioner continues to be detained unlawfully during his pending removal proceedings, in violation of his constitutional and statutory rights.

**A. This Court has subject matter jurisdiction over Petitioner's habeas corpus petition.**

This action arises under the Constitution of the United States, the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1101 *et seq.*, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 *et seq.* This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241, and Article I, section 9, clause 2 of the United States Constitution (the "Suspension Clause"), as Petitioner is presently subject to immediate detention and custody under color of authority of the United States government, and said custody is in violation of the Constitution, law or treaties of the United States. This action is brought to compel the Respondents, officers of the United States, to accord Petitioner the due process of law to which

he is entitled under the Fifth and Fourteenth Amendments of the United States Constitution. Certainly, this Court “may not review discretionary decisions made by immigration authorities, [but] it may review immigration-related detentions to determine if they comport with the demands of the Constitution.” *Deng Chol A. v. Barr*, 455 F. Supp. 3d 896, 901 (D. Minn. 2020) (citing *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001)).

This Court is not deprived of jurisdiction by 8 U.S.C. § 1252(b)(9) and (g) as Petitioner’s claims do not challenge any decision to commence proceedings, adjudicate cases, or execute removal orders.

Section 1252(b)(9) provides:

Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, *arising from any action taken or proceeding brought to remove an alien from the United States* under this subchapter shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.

8 U.S.C. § 1252(b)(9) (emphasis added).

The Supreme Court’s decision in *Jennings v. Rodriguez* is instructive here and supports Petitioner’s position that this Court does have jurisdiction and that Section 1252(b)(9) does not present a jurisdictional bar.

The Supreme Court determined that the “arising from” language of Section 1252(b)(9) should not be interpreted so expansively as to include any action that technically follows the commencement of removal proceedings, because that would bar judicial review of questions of law and fact that are unrelated to the removal proceedings until a final order of removal was issued. *Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018). Petitioner, like the class in

*Jennings*, “are not asking for review of an order of removal, they are not challenging the decision to detain them in the first place or to seek removal; and they are not even challenging any part of the process by which their removability will be determined.” *Id.* at 294-95.

Section 1252(g) provides:

Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien *arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.*

8 U.S.C. § 1252(g) (emphasis added).

The Supreme Court’s decision in *Jennings* is again instructive here related to Section 1252(g). The *Jennings* court writes that “[w]e did not interpret [section 1252(g)] to sweep in any claim that can technically be said to ‘arise from’ the three listed actions of the Attorney General. Instead, we read the language to refer to just those three specific actions themselves.” *Jennings*, 583 U.S. at 294 (citing *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999)).

An immigration judge’s (IJ) review of a bond determination is a distinct proceeding from an alien’s underlying removal proceeding. 8 C.F.R. § 1003.19(d) (“Consideration by the Immigration Judge of an application or request of a respondent regarding custody or bond under this section shall be separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding.”). It is “clear bond hearings are separate and apart from deportation proceedings.” *See Gornicka v. INS*, 681 F.2d 501, 505 (7th Cir. 1982). Here, Petitioner is seeking review of his unlawful detention, as he is unable to seek a bond hearing in front of the Immigration Court as a result of the Board of Immigration Appeals’ decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). He is not challenging a removal order

or anything else listed in Section 1252(b)(9) and (g) which would strip this court of jurisdiction. This Court has jurisdiction over Petitioner's matter. *See Hernandez Alonso v. Tindall et al.*, No. 3:25-cv-652-DJH (W.D. Ky. Nov. 4, 2025); *Avila v. Bondi et al.*, No. 25-3741 (JRT/SGE), 2025 WL 2976539, at \*4 (D. Minn. Oct. 21, 2025); *Patel v. Tindall*, No. 3:25-cv-373-RGJ, 2025 WL 2823607, at \*2 (W.D. Ky. Oct. 3, 2025).

**B. Petitioner is detained under 8 U.S.C. § 1226 and not under 8 U.S.C. § 1225.**

By way of review, 8 U.S.C. § 1225(b)(2), INA § 235(b)(2), requires mandatory detention of "Applicants for Admission." Conversely, noncitizens detained under 8 U.S.C. § 1226(a), INA § 236(a), are not subject to mandatory detention and may be released on bond or on their own recognizance. The Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), determined for the first time that any person who crossed the border unlawfully and is later taken into immigration detention is subject to detention under 8 U.S.C. § 1225(b)(2) and therefore subject to mandatory detention and no longer eligible for release on bond. The decision strips the immigration judge's authority to hear a bond request for any noncitizen present in the United States without having been inspected and admitted and who are later apprehended by DHS.

The relevant statutes at issue are Sections 1225 and 1226. Section 1225, titled "Inspection by immigration officers; expedited removal of inadmissible *arriving* aliens; referral for hearing," states:

An alien present in the United States who has not been admitted *or* who arrives in the United States...shall be deemed for purposes of this chapter an applicant for admission... Subject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien *seeking* admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(a)(1), (b)(2)(A) (emphasis added).

Section 1226, entitled “Apprehension and detention of aliens,” states:

On a warrant issued by the Attorney General, an alien *may be arrested and detained pending a decision* on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General— (1) may continue to detain the arrested alien; and (2) may release the alien on— (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole...

8 U.S.C. § 1226(a) (emphasis added).

Respondents argue in their response that Petitioner is properly detained under 8 U.S.C. § 1225(b)(2) and not under 8 U.S.C. § 1226. This argument fails for several reasons.

First, your Honor just recently rejected this argument and granted Petitioner’s habeas petition in *Del Villar v. Noem*, Case No. 4:25-cv-00137 (W.D. Ky. Nov. 19, 2025). Here, Respondents have provided this Court with similar arguments as in *Del Villar v. Noem* and ask the Court to apply those same arguments to this matter. This Court already rejected those arguments in *Del Villar v. Noem*. Ex. 1.

Prior to and since the decision in *Matter of Yajure Hurtado*, federal district courts in the First Circuit, Second Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Sixth Circuit, Seventh Circuit, Eighth Circuit, Ninth Circuit, Tenth Circuit, and Eleventh Circuit have all disagreed with Respondents’ interpretation and have subsequently granted relief to habeas petitioners, even after the date of filing of this petition:<sup>1</sup>

**First Circuit**

- *Alarcon v. Moniz*, No. 1:25-CV-13294-IT, 2025 WL 3204553 (D. Mass. Nov. 17, 2025)
- *Rafael v. Plymouth County Correctional Facility*, No. 1:25-CV-13197-IT, 2025 WL 3204554 (D. Mass. Nov. 17, 2025)
- *Anselmo v. Moniz*, No. 1:25-CV-13309-IT, 2025 WL 3171137 (D. Mass. Nov. 13, 2025)

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<sup>1</sup> This Habeas Corpus petition was filed on November 8, 2025. Dkt. 1, PageID#1-21. Please see paragraph 60 of the original Petition for Writ of Habeas Corpus and Complaint for Emergency Injunctive Relief for additional District Court cases that decided similar issues to this case prior to the filing of this Habeas Corpus petition. Dkt. 1, PageID#14-17.

- *Caguana-Caguana v. Moniz*, No. 1:25-CV-13142-IT, 2025 WL 3171043 (D. Mass. Nov. 13, 2025)
- *Portillo Martinez v. Hyde*, No. CV 25-11909-BEM, 2025 WL 3152847 (D. Mass. Nov. 12, 2025)

#### **Second Circuit**

- *Yupangui v. Hale*, No. 2:25-CV-884, 2025 WL 3207070 (D. Vt. Nov. 17, 2025)
- *Diallo v. Maldonado, Jr.*, No. 25-CV-05740 (DG), 2025 WL 3158295 (E.D.N.Y. Nov. 12, 2025)
- *Rueda Torres v. Francis*, No. 25 CIV. 8408 (DEH), 2025 WL 3168759 (S.D.N.Y. Nov. 13, 2025)
- *G.F.F. v. Francis*, No. 25-CV-7368 (JGK), 2025 WL 3141735 (S.D.N.Y. Nov. 10, 2025)

#### **Third Circuit**

- *Garcia Sandoval v. Rokosky*, No. CV 25-17229 (SDW), 2025 WL 3204746 (D.N.J. Nov. 17, 2025)
- *Moreira Da Silva v. LaForge*, No. 25CV17095 (EP), 2025 WL 3173859 (D.N.J. Nov. 13, 2025)
- *Guaman Naula v. Noem*, No. CV 25-16792 (SDW), 2025 WL 3158490 (D.N.J. Nov. 12, 2025)
- *Kashranov v. Jamison*, No. 2:25-CV-05555-JDW, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025)
- *Cantu-Cortes v. O'Neill*, No. 25-CV-6338, 2025 WL 3171639 (E.D. Pa. Nov. 13, 2025)

#### **Fourth Circuit**

- *Perez-Gomez v. Warden, Camp East Montana Detention Facility*, No. CV 3:25CV773, 2025 WL 3141103 (E.D. Va. Nov. 10, 2025)

#### **Fifth Circuit**

- *Cruz Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025)

#### **Sixth Circuit**

- *Del Villar v. Noem*, Case No. 4:25-cv-00137 (W.D. Ky. Nov. 19, 2025)
- *Chavez v. Director of Detroit Field Office*, No. 4:25-CV-2061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025)
- *Diego v. Raycraft*, No. 25-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12, 2025)
- *Amigon Cardona v. Unknown Party #1*, No. 1:25-CV-1287, 2025 WL 3200682 (W.D. Mich. Nov. 17, 2025)
- *Martinez Guerra v. Noem*, No. 1:25-CV-1341, 2025 WL 3204289 (W.D. Mich. Nov. 17, 2025)
- *Orellana v. Noem*, No. 1:25-CV-1333, 2025 WL 3198685 (W.D. Mich. Nov. 17, 2025)
- *Sevilla v. Noem*, No. 1:25-CV-1325, 2025 WL 3200698 (W.D. Mich. Nov. 17, 2025)
- *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL 3170872 (W.D. Mich. Nov. 13, 2025)

- *Lara v. Noem*, No. 1:25-CV-1332, 2025 WL 3170876 (W.D. Mich. Nov. 13, 2025)
- *Madrid Gonzalez v. Noem*, No. 1:25-CV-1315, 2025 WL 3170879 (W.D. Mich. Nov. 13, 2025)
- *Singh v. Noem*, No. 1:25-CV-1251, 2025 WL 3170855 (W.D. Mich. Nov. 13, 2025)
- *Contreras Alvarez v. Noem*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12, 2025)
- *Lucero Lucero v. Noem*, No. 1:25-CV-1295, 2025 WL 3165235 (W.D. Mich. Nov. 12, 2025)

#### **Seventh Circuit**

- *Salazar Aguilar v. Noem*, No. 25 C 12731, 2025 WL 3204568 (N.D. Ill. Nov. 17, 2025)
- *Soto-Garcia v. Olson*, No. 25-CV-13736, 2025 WL 3204594 (N.D. Ill. Nov. 17, 2025)
- *Quinonez v. Olson*, No. 25 CV 13524, 2025 WL 3190598 (N.D. Ill. Nov. 14, 2025)
- *Rodriguez Loreda v. Forestal*, No. 25 C 12758, 2025 WL 3187319 (N.D. Ill. Nov. 14, 2025)
- *Cabrera v. Noem*, No. 25 C 12160, 2025 WL 3171288 (N.D. Ill. Nov. 13, 2025)
- *Mariscal Serrano v. Salazar*, No. 25 C 13170, 2025 WL 3171354 (N.D. Ill. Nov. 13, 2025)
- *Garcia Guevara v. Swearingen*, No. 25 C 12549, 2025 WL 3158151 (N.D. Ill. Nov. 12, 2025)
- *Vasquez Gonzalez v. Olson*, No. 25 C 13162, 2025 WL 3158191 (N.D. Ill. Nov. 12, 2025)
- *Lopez Briseno v. Noem*, No. 25 C 12092, 2025 WL 3145985 (N.D. Ill. Nov. 11, 2025)
- *Ramirez Martinez v. Noem*, No. 25-CV-1ja2029, 2025 WL 3145103 (N.D. Ill. Nov. 11, 2025)
- *Lira Perez v. Noem*, No. 25 C 13442, 2025 WL 3140692 (N.D. Ill. Nov. 10, 2025)
- *Sumba v. Crowley*, No. 1:25-CV-13034, 2025 WL 3126512 (N.D. Ill. Nov. 9, 2025)
- *Quishpe-Guaman v. Noem*, No. 4:25-CV-00211-TWP-KMB, 2025 WL 3201072 (S.D. Ind. Nov. 17, 2025)
- *Delgado Avila v. Crowley*, No. 2:25-CV-00533-MPB-MJD, 2025 WL 3171175 (S.D. Ind. Nov. 13, 2025)
- *Guaita Quinapanta v. Bondi*, No. 25-CV-795-WMC, 2025 WL 3157867 (W.D. Wis. Nov. 12, 2025)

#### **Eighth Circuit**

- *Chilel Chilel v. Sheehan*, No. 25-CV-3975 (SRN/DTS), 2025 WL 3157839 (D. Minn. Nov. 12, 2025)

#### **Ninth Circuit**

- *Escobar Salgado v. Mattos*, No. 2:25-CV-01872-RFB-EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025)

- *Solano Morillo v. Albarran*, No. 1:25-CV-01533-DJC-AC, 2025 WL 3190899 (E.D. Cal. Nov. 15, 2025)
- *Fasihi Ramandi v. Field Office Director, ICE ERO San Francisco*, No. 1:25-CV-01462-JLT-EPG, 2025 WL 3182732 (E.D. Cal. Nov. 14, 2025)
- *Faizyan v. Casey*, No. 3:25-CV-02884-RBM-JLB, 2025 WL 3208844 (S.D. Cal. Nov. 17, 2025)
- *Calel v. Larose*, No. 3:25-CV-02883-GPC-JLB, 2025 WL 3171898 (S.D. Cal. Nov. 13, 2025)
- *Bernardo Aquino v. Larose*, No. 25-CV-2904-RSH-MMP, 2025 WL 3158676 (S.D. Cal. Nov. 12, 2025)
- *Sadeqi v. Larose*, No. 25-CV-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12, 2025)
- *Corrales Castillo v. Wamsley*, No. 2:25-CV-02172-TMC, 2025 WL 3204370 (W.D. Wash. Nov. 17, 2025)
- *Alonso Sanchez v. Hermosillo*, No. 2:25-CV-02152-TMC, 2025 WL 3171362 (W.D. Wash. Nov. 13, 2025)
- *Marcial Navarette v. Wamsley*, No. 2:25-CV-02150-TMC, 2025 WL 3134712 (W.D. Wash. Nov. 10, 2025)
- *Tran v. Bondi*, No. C25-01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025)

#### **Tenth Circuit**

- *Batz Barreno v. Baltasar, Warden, Aurora ICE Processing Ctr.*, No. 025-CV-03017-GPG-TPO, 2025 WL 3190936 (D. Colo. Nov. 14, 2025)
- *Pu Sacvin v. Anda-Ybarra*, No. 2:25-CV-01031-KG-JFR, 2025 WL 3187432 (D.N.M. Nov. 14, 2025)

#### **Eleventh Circuit**

- *Erazo v. Hardin*, No. 2:25-CV-891-KCD-DNF, 2025 WL 3187136 (M.D. Fla. Nov. 14, 2025)
- *Villa v. Normand*, No. 5:25-CV-100, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025)

This Court is not required, and should not, give deference to *Matter of Yajure Hurtado*. In *Loper Bright*, the Supreme Court was clear that “[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority,” and indeed “may not defer to an agency interpretation of the law simply because a statute is ambiguous.” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). Rather, this Court can simply look to the Supreme Court’s own words in *Jennings* that held that for decades, § 1225 has applied only to noncitizens “seeking admission into the country”—i.e., new arrivals, and that this contrasts


with § 1226, which applies to noncitizens “already in the country.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).


Respondents argue that an “Applicant for admission” refers to a noncitizen seeking admission to the U.S. As reiterated in the recent Western District of Kentucky decision, *Hernandez Alonso v. Tindall et al.*, not all applicants for admission are automatically seeking admission. *Hernandez Alonso v. Tindall et al.*, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025). District Courts in the Sixth Circuit have carefully analyzed the statutory construction of sections 1225(b)(2) and 1226, articulating the nuance between an arriving alien and an alien present in the U.S. without being admitted or paroled. While both are applicants for admission under the statute, an “[a]rriving alien means an applicant for admission coming or attempting to come into the United States.” 8 C.F.R. § 1.2. These District Courts have repeatedly interpreted Section 1225 as requiring the immediate action of “seeking” admission at a port of entry and to find otherwise does not comport to the plain language of the statute.


The text of Sections 1225 and 1226, together with binding Supreme Court precedent interpreting those provisions and the numerous District Court decisions confirm that Petitioner is subject to section 1226(a)’s discretionary detention scheme.

**C. Petitioner’s continued detention without a bond hearing is a Fifth Amendment violation.**

Petitioner’s continued detention violates due process, as Respondents’ arguments ignore the realities of the process of Petitioner’s immigration proceedings and the particular facts of this case. Respondents do not allege that Petitioner’s detention is necessary because he is a danger to the community, nor to ensure his appearance during removal proceedings. *See Zadvydas*, 533 U.S. at 690. In fact, Respondents allege Petitioner “was, at minimum, associated with a foreign terrorist organization” despite offering no information beyond this uncorroborated assertion. Dkt.

13-2, PageID#88. Notably, Petitioner has a pending asylum application based on 



 At Petitioner's last immigration hearing on October 22, 2025, Respondents made no assertions as to Petitioner's association with a terrorist organization.<sup>2</sup> Petitioner's continued deprivation of his liberty by being deprived of the opportunity to request a bond hearing is a violation of the Due Process Clause of the Fifth Amendment.

The Sixth Circuit has held that the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), regarding the adequacy of process, applies in the context of immigration detention. *See United States v. Silvestre-Gregorio*, 983 F.3d 848, 852 (6th Cir. 2020). Thus, under *Mathews*, this Court must consider the following three factors: “(1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest; and (3) the government’s interest, including the fiscal and administrative burdens that the additional or substitute procedures entail.” *Mathews*, 424 U.S. at 335.

In regard to the first *Mathews* factor, Petitioner has a significant private interest in avoiding detention, one of the “most elemental of liberty interests.” *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner is now detained in another state, away from his support system, “experiencing [many of] the deprivations of incarceration, including loss of contacts with friends and family, loss of income earning...lack of privacy, and, most fundamentally, the lack of freedom of movement.” *See Günaydin v. Trump*, No. 25-cv-01151, 2025 WL 1459154, at \*7 (D. Minn. May 21, 2025).

As to the second *Mathews* factor, a risk of erroneous deprivation is minimized through a fair bond hearing, where an Immigration Judge can determine whether Petitioner is a flight risk

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<sup>2</sup> Petitioner's hearing on October 22, 2025 was part of his final individual hearing where an immigration judge heard his asylum claim. Due to time restrictions, his final individual hearing was continued to January 7, 2026. Ex. 2.

or a danger to the community. *See Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at \*9 (E.D. Mich. Aug. 29, 2025). Petitioner has been in the United States since 2022 and has a pending asylum application before the immigration court. His final hearing is scheduled for January 7, 2026. Allowing an Immigration Judge to use their expertise to determine a Petitioner's eligibility for bond reduces the risk of erroneously depriving Petitioner of his liberty interests.

As to the third factor, while Respondents do have "a legitimate interest in ensuring noncitizens' appearance at removal proceedings and preventing harms to the community," here, Respondents have not established an interest in regard to detaining Petitioner who may well convince "a neutral adjudicator, following a hearing and assessment of the evidence, that his ongoing detention is not warranted." *Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924, at \*12 (D. Mass. Sept. 9, 2025).

Petitioner is detained under 8 U.S.C. § 1226. Respondent's position that Petitioner must remain detained during the pendency of his removal proceedings and is not eligible for a bond redetermination hearing pursuant to 8 U.S.C. § 1225(b)(2), unlawfully deprives Petitioner of his liberty.

**D. This Court Possesses the Authority to Release Petitioner Prior to a Bond Hearing.**

Respondents wrongly assert that this Court lacks authority to grant Petitioner release without a bond hearing. Dkt. 13 at PageID#80-82. A district court judge may grant a writ of habeas corpus to prisoners who are held in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(a); *Rice v. White*, 660 F.3d 242, 249 (6th Cir. 2011). As explained above, Petitioner continues to be detained without a bond hearing, which is a violation of his due process rights.

Further, Respondents' own evidence supports the release of Petitioner. For instance, Petitioner's Form I-213 states "[n]o reason for arrest or redetermination of custody exists due to no criminal history and no immigration violations." Dkt. 13-1, PageID#86. Respondents acknowledge Petitioner has pending immigration relief (Dkt. 13-1 at PageID#86), which demonstrates he is not a flight risk. Ordering Petitioner's release does not disturb Petitioner's removal proceedings, as bond hearings are completely separate processes, and does not overstep judicial authority in a habeas corpus petition. *See Gornicka*, 681 F.2d at 505.

### **CONCLUSION**

For the foregoing reasons, this Court should order Respondents to release Petitioner or to schedule a bond hearing for Petitioner's removal proceedings within 5 days of the order and accept jurisdiction to issue a bond order.

Dated: November 19, 2025

Respectfully Submitted,  
TAREK ALKHATIB

By: s/ Maya A. Flores  
One of his attorneys

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**Certificate of Service**

I hereby certify that on November 19, 2025, I filed this document via CM/ECF, which will automatically provide service to all counsel of record.

*/s/ Maya A. Flores*