UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

NOE PAREDES-CASTELAN, **Petitioner,** **v.** **KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; PAMELA BONDI, in her official capacity as Attorney General of the United States; JOHN DOE, in his official capacity as Acting Phoenix Field Office Director of the U.S. Immigration and Customs Enforcement; LUIS ROSA, JR, in his official capacity as Warden of the Florence Correctional Center;** **Respondents.**	**Case No.**

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner, Noe Paredes-Castelan ("Mr. Paredes or Petitioner"), is a 33 year old native and citizen of Mexico. He entered the United States in January 2008 without inspection when he was 16 years old. He has maintained continuous physical presence in the United States ever since.

2. On or about December 24, 2012, Mr. Paredes was arrested and charged with misdemeanor theft/shoplifting when he was accused of taking a display bottle of cologne from a Sears Department Store. He ultimately pled guilty on January 3, 2013, paid court ordered fines, and satisfied probation.

3. Two days later, on January 5, 2013, the United States Department of Homeland Security ("USDHS") initiated removal proceedings against Mr. Paredes by filing a Notice to Appear ("NTA") with the United States Executive Office for Immigration Review ("EOIR"). In the NTA, the USDHS classified Mr. Paredes as an "alien present in the United States who has not been admitted or paroled." This was because the USDHS officer determined that Mr. Paredes was not an "arriving alien." Mr. Paredes was released by USDHS and allowed to live free from custody for the next more than 12 years.

4. On June 23, 2015, Mr. Paredes filed Form I-589, Application for Asylum and for Withholding of Removal, with the EOIR. With the filing of the application, Mr. Paredes was permitted to live and work in the United States until a final decision is made on the application. The application remains pending a final decision to this day. So, Mr. Paredes has been able to establish a life and stability for himself and his family, including his two United States citizen children ages 10 and 11, based on the fact his application is *bona fide*. Specifically, he has been enjoying the benefits of lawful presence in the United States (see 8 USC 1182(a)(9)(B)(iii)(II)), including employment authorization by USDHS.

5. On June 30, 2023, Mr. Paredes was arrested and charged with criminal damage and disorderly conduct in connection with breaking a vase during a verbal argument with his partner. The case was dimissed.

6. On or about November 4, 2025, Mr. Paredes was stopped by a Pinal County Sheriff's Office officer, who had, apparently, a reasonable suspicion Mr. Paredes's was violating traffic laws by driving with heavy equipment at a speed 10 miles per hour under the posted speed limit. A traffic ticket was issued but the officer contacted ICE who took Mr. Paredes into custody ultimately detaining him indefinitely at the Florence Correctional Center in Florence, Arizona.

7. Before Mr. Paredes could request a bond hearing with an Immigration Judge, however, a policy guidance memorandum was issued by USDHS on July 8, 2025 instructing ICE officials to determine anyone "present without admission" under 8 U.S.C. § 1182(a)(6)(A)(i) to be regarded as an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A) and subject to mandatory detention during removal proceedings. In addition, the Board of Immigration Appeals ("BIA") decided *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) in September 2025. The BIA held that immigration judges lack jurisdiction to hold bond hearings or grant bond to all individuals charged with entering the country without inspection. *Id.*

8. So, Mr. Paredes is being detained without bond under 8 U.S.C. § 1225 by USDHS despite his longtime residence and strong family ties to the United States. 8 U.S.C. § 1225 is a

statute that, by its text, structure, and controlling precedent, applies only to certain recent entrants "seeking admission" to the United States.

9. The arbitrary detention of a person in which a decision on removal has not been made and that likely will not be made for a few years is unlawful and unconscionable. Mr. Paredes's arbitrary detention deprives him of the rights and liberties that the United States previously guaranteed he could rely upon during his removal proceedings, namely employment authorization and freedom to remain in the United States while his removal proceedings continue. For the reasons explained below, Mr. Paredes's inability to contest his arbitrary detention violates his Due Process protections under the U.S. Constitution. As such, Mr. Paredes respectfully petitions this Court for a Writ of Habeas Corpus to remedy his unlawful detention by Respondents and for declaratory and injunctive relief to prevent such harms from recurring.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction under Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 2201 (Declaratory Judgment Act). Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. See *Demore v. Kim*, 538 U.S. 510, 516-17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same).

11. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (e)(1) because Petitioner is detained within the District of Arizona and his immediate physical custodian is located within this District. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

12. No petition for a writ of habeas corpus has previously been filed in any court regarding Petitioner.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

13. The Court must grant the petition for writ of habeas corpus "forthwith" unless the petitioner is not entitled to relief. 28 U.S.C. § 2243.

14. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

15. Mr. Paredes is "in custody" within the meaning of 28 U.S.C. § 2241 because he is arrested and detained by Respondents at the Florence Correctional Center in Florence, Arizona, pursuant to immigration detention authority. Mr. Paredes challenges that custody as unlawful under the Constitution, federal law, and applicable treaties.

PARTIES

16. Noe Paredes-Castelan, is the named Petitioner. He is a 33 year old native and citizen of Mexico. He is a noncitizen and non lawful permanent resident of the United States. He is currently detained at the Florence Correctional Center in Florence, Arizona since

approximately November 5, 2025 where he is under the direct control of the respondents named in this petition.

17. Kristi Noem is a respondent named in her official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, she is responsible for overseeing ICE's day-to-day operations, leading approximately 20,000 ICE employees, including Respondents John Doe and Luis Rosa, Jr.. Secretary Noem is the ultimate legal custodian of Mr. Paredes.

18. Pamela Bondi is a respondent named in her official capacity as the Attorney General of the United States. As Attorney General, Respondent Bondi oversees the immigration court system, including the immigration judges who conduct removal proceedings and bond hearings as her designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering Mr. Paredes's removal proceedings, and as such, she is a legal custodian of Mr. Paredes.

19. John Doe[1] is a respondent named in his official capacity as Acting Phoenix Field Office Director of the US Immigration and Customs Enforcement and as such is a legal custodian of Mr. Paredes.

20. Luis Rosa, Jr. is a respondent named in his official capacity as the Warden of the Florence Correctional Center. As such, he is a legal custodian of Mr. Paredes.

---

[1]John Cantu was removed as the Phoenix Field Office Director of the US Immigration and Customs Enforcement, however, as of this writing, USDHS has not publicly announced who is the Acting Director.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

21. Mr. Paredes has no administrative remedies to exhaust because pursuing a bond hearing before the Immigration Court would be futile considering the September 5, 2025 BIA decision where the BIA adopted DHS' interpretation of the INA as mandating detention without bond for similarly situated people as Mr. Paredes. See *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)(holding immigration judges lack jurisdiction to hold bond hearings or grant bond to all individuals charged with entering the country without inspection. *Id.*

22. The NTA for Mr. Paredes's removal proceeding classifies him as an "alien present in the United States who has not be admitted or paroled." As such, Mr. Paredes's continued detention in ICE custody cannot be challenged by way of bond proceedings before the Immigration Judge because BIA decisions are binding on immigration judges.

23. Therefore, a writ of habeas corpus is the sole avenue to vindicate his constitutional, statutory, and regulatory rights and restore his liberty. Accordingly, the Court should find administrative exhaustion would be futile and consider the merits of the Petition. See *Singh v. Ashcroft*, 362 F.3d 1164, 1169 (9th Cir. 2004)

LEGAL BACKGROUND AND STATEMENT OF FACTS

A. HABEAS CORPUS RELIEF

24. Habeas Corpus relief is available when a person "is in custody in violation of the Constitution or laws or treaties of the United States[.]" 28 U.S.C. § 2241(c)(3). Mr. Paredes

argues that he is being unlawfully detained in violation of the INA, his Fifth Amendment due process rights, and the Administrative Procedure Act.

25. Congress established two separate detention processes. 8 U.S.C. § 1225 governs applicants "seeking admission," while § 1226 governs individuals "already in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018). These provisions are mutually exclusive. For example, "a noncitizen cannot be subject to both mandatory detention under § 1225 and discretionary detention under § 1226." *Martinez v. Hyde*, No. 25-cv-11613, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025).

26. Section 1225(b)(2)(A) provides that "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."

27. Therefore, detention under § 1225(b) is mandatory and individuals detained following examination under section 1225 can only be paroled into the United States "for urgent humanitarian reasons or significant public benefit."[2] *Jennings*, 583 U.S. at 300, 138 S.Ct. 830 (quoting 8 U.S.C. § 1182(d)(5)(A)). This parole "into the United States" allows physical entry but reserves the Government's ability to treat the person as if "stopped at the border." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020).

---

[2]This assumes that during the same examination under section 1225, a noncitizen has not affirmatively shown, to the satisfaction of an immigration officer, that he or she has been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility. 8 U.S.C. § 1225(b)(1)(A)(iii)(II)

28. Courts and the BIA have recognized that the phrase "seeking admission" carries an active, temporal component. It refers to persons "coming or attempting to come into the United States." See 8 C.F.R. § 1.2's definition of "arriving alien," which states that an arriving alien "means an applicant for admission ***coming*** or ***attempting*** to come into the United States at a port-of-entry, or an alien ***seeking*** transit through the United States at a port-of-entry...", i.e., those apprehended at or near the border and in the process of initial entry. *Martinez*, 2025 WL 2084238, at *6–7. (Emphasis supplied). Aliens already here have additional rights and privileges, which are not extended to those who are "on the threshold of initial entry." *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958) (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U. S. 206, 345 U. S. 212 (1953); accord *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law."); *cf. Thuraissigiam*, 591 U.S. at 140 (relying on the distinction articulated in *Zadvydas*).

29. Section 1226 governs detention of noncitizens already present in the United States and apprehended on a warrant issued by the Attorney General. 8 U.S.C. § 1226(a). Unlike § 1225's mandatory scheme, § 1226(a) creates a discretionary framework, under which the Attorney General "may continue to detain," or "may release" a noncitizen on bond or conditional parole. *Id.* Individuals detained under § 1226 are entitled to an individualized custody determination and may appeal that determination to an immigration judge. 8 C.F.R. § 1236.1(d)(1); see *Matter of Siniauskas*, 27 I. & N. Dec. 207, 207 (BIA 2018).

30. Multiple recent decisions confirm that § 1225 does not apply to long-resident noncitizens apprehended in the interior. See *Carlos Javier Lopez Benitez v. Francis*, No. 25-cv-11517, 2025 WL 1869299, at *5–8 (D. Mass. July 7, 2025)(holding that § 1225(b)(2)(A) did not apply to a petitioner who had been residing in the United States for over two years; emphasizing that "seeking admission" requires an active, ongoing effort to enter, not mere presence in the country, and concluding that detention was governed by § 1226(a) with access to bond); see also *Rodriguez v. Bostock*, F. Supp. 3d, 2025 WL 1193850, at *12–16 (W.D. Wash. Apr. 24, 2025) (finding that a non-citizen apprehended from within the United States and charged with inadmissibility was necessarily detained under section 1226, rather than section 1225); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 , *7 (E.D. Mic h. 2025) ("The BIA's decision to pivot from three decades of consistent statutory interpretation and call for *Pizarro Reyes'* detention under § 1225(b)(2)(A) is at odds with every District Court that has been confronted with the same question of statutory interpretation; *Barrera v. Tindall* , 2025 WL 2690565, *5 (W.D. Ky. 2025) ("Courts across the country have been faced with similar questions of law and fact presented by the United States. And every court who has examined this novel interpretation of Section 1225 by the United States has rejected their theory and adopted Petitioner's. This includes courts within the Sixth Circuit, and across the country."); *Vazquez v. Feeley* , 2025 WL 2676082, *16 (D. Nev. 2025) ("In sum, the Court finds that the text and canons of statutory interpretation, including the legislative history, regulations, and long history of consistent agency practice, as well as the doctrine of constitutional avoidance, demonstrate that Petitioner is likely to succeed in establishing

he and similarly situated noncitizens are subject to detention under § 1226(a) and its implementing regulations, not § 1225(b)(2)(A).").

31. As those courts recognized, interpreting § 1225 to cover all noncitizens who were never formally "admitted" would collapse the statutory distinction, render § 1226 superfluous, and contradict longstanding DHS practice. See *Martinez*, 2025 WL 2084238, at *8 ("This tension between sections 1225 and 1226 motivates the conclusion that they apply to different classes of aliens"); *Gomes v. Hyde*, 2025 WL 1869299, at *5–8 (D. Mass. July 7, 2025).

32. The Courts clearly have arrived at two key take away points with regard to § 1225. Specifically, § 1225 applies only to noncitizens apprehended at or near the border and in the act of entry (see *Thuraissigiam*, 591 U.S. 103, 114, 139 (2020)) and that reading § 1225 as covering all noncitizens who were never lawfully "admitted" would render § 1226 largely meaningless and contrary to the rule against surplusage. See *Martinez*, 2025 WL 2084238, at *7; *Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *6–8 (D. Mass. July 7, 2025).

33. Applying this framework compels the conclusion that Mr. Paredes's detention cannot fall under § 1225 after having resided in the United States since January 2008.

B. NOE PAREDES CASTELAN

34. Noe Paredes-Castelan was born in Mexico and came to the United States when he was 16 years old. He has been continuously physically present in the United States ever since. The United States is the only home Mr. Paredes has known, especially during his formative years.

35. Mr. Paredes applied for asylum related relief during removal proceedings and received employment authorization from USDHS based on his application. Since then, Mr. Paredes

has been eligible to remain and work in the United States during his removal proceedings, which has been ongoing since 2013.

36. Employment authorization and the ability to remain and live in the United States while in removal proceedings enabled Mr. Paredes to become a contributing member to his community and the economy in Phoenix, Arizona. He has supported his children and family with his earnings and paid his taxes.

37. Mr. Paredes has no serious and violent criminal records or convictions. He has one conviction for shoplifting from a Sears Department Store in 2012 and charges from 2023 relating to disorderly conduct and criminal damage that were both dismissed by the court.

38. Since 2013, Mr. Paredes has relied on the removal proceeding process and his pending application for relief to build his life and family.

39. Notwithstanding, Mr. Paredes remains in custody while being deprived of his liberty. He is separated from his partner, children, and community.

40. USDHS's decision to detain Mr. Paredes after more than 12 years of being in removal proceedings with no evidence of him being a danger or a flight risk is perplexing and unexplained.

VII. CLAIMS FOR RELIEF

COUNT ONE
UNLAWFUL DETENTION UNDER 8 U.S.C. § 1225
(Misapplication of Mandatory Detention Statute)

41. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

42. Petitioner is currently being detained without the possibility of bond under 8 U.S.C. § 1225(b)(2)(A) based on the BIA decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) holding that "Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission."

43. That conclusion is legally erroneous. Section 1225 applies to noncitizens actively "seeking admission" at the border. By contrast, § 1226 governs the arrest and detention of those "already in the country" pursuant to a warrant issued by the Attorney General. The two provisions are mutually exclusive. See *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018); *Matter of M-S-*, 27 I. & N. Dec. 509, 516 (A.G. 2019).

44. Petitioner falls within § 1226. He has resided in the United States since January 2008, with strong community and family ties, and he has no serious criminal records or convictions showing a history of violence or danger. He was arrested this month and ultimately taken to Florence Correctional Center where he remains today.

45. The NTA issued in 2013 expressly alleged that Petitioner is "an alien present in the United States who has not been admitted or paroled." rather than an "arriving alien." This determination was made based on an immigration agent's examination of Petitioner concluding that Petitioner affirmatively showed, to the agent's satisfaction, that he has been physically present in the United States continuously for at least a 2-year period immediately prior to the date of determination of inadmissibility. See 8 U.S.C. § 1225(b)(1)(A)(iii)(II). So, the language in the allegation presumes residence in the interior and confirms that Petitioner was not in the process of seeking admission. Therefore, Petitioner's detention

without a bond based on the holding in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) is arbitrary.

46. Recent precedent confirms that long-term residents like Petitioner are detained under § 1226, not § 1225. In *Lopez Benitez v. Francis*, No. 25-cv-10960, 2025 WL 4094843 (D. Mass. July 8, 2025), the court held that a noncitizen who had lived in the U.S. just over two years was governed by § 1226, rejecting the government's argument that unlawful presence alone made him "seeking admission." Also, in *Martinez v. Hyde*, No. 25-cv-11613, 2025 WL 2084238 (D. Mass. July 24, 2025), the court concluded that § 1225(b) "had no application" to a person already residing in the U.S., even though she was charged as inadmissible under INA § 212(a)(6)(A)(i).

47. To hold that Petitioner is not governed by 8 U.S.C. § 1226 would effectively erase the statutory line between §§ 1225 and 1226 and convert almost all noncitizens present without admission into mandatory detainees. Courts have consistently rejected this outcome. See *Martinez*, 2025 WL 2084238, at *7 (rejecting interpretation that would "nullify" Congress's amendment to § 1226(c)); *Gomes v. Hyde,* No. 25-cv-11571, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025) (application of §§ 1225 and 1226 "to different classes" of noncitizens).

48. Petitioner was not "seeking admission" within the meaning of § 1225(b) but was "already in the country" within the meaning of *Jennings*, 583 U.S. at 288–89. His custody is governed by § 1226(a), under which detention is discretionary and subject to individualized bond hearings. The holding in *Matter of Yajure* is contrary to law.

COUNT TWO
VIOLATION OF DUE PROCESS PROTECTIONS OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION

49. Petitioner repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

50. The Fifth Amendment's Due Process Clause prohibits the government from depriving any person of liberty without due process of law. "Freedom from imprisonment, from government custody, detention, or other forms of physical restraint, lies at the heart of the liberty that Clause protects." *Zadvydas*, 533 U.S. at 690, 121 S. Ct. at 2498 (2001). The Due Process Clause's protections extend to all persons in the United States, including non-citizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

51. In the immigration context, due process requires that when detention is discretionary, the individual is entitled to an individualized custody determination before a neutral decision maker, supported by reliable evidence, and applying the correct legal standards. See *Matter of Siniauskas*, 27 I. & N. Dec. 207, 207 (B.I.A. 2018) (citing *Matter of Fatahi*, 26 I. & N. Dec. 791, 793–94 (B.I.A. 2016); *Matter of Adeniji*, 22 I. & N. Dec. 1102, 1112–13 (B.I.A. 1999), modified on other grounds, *Matter of Garcia Arreola*, 25 I. & N. Dec. 267 (B.I.A. 2010)).

52. Immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore,* 538 U.S. at 527. (citing *Zadvydas*, 533 U.S. at 690). The Supreme Court has stated that the purpose or civil detention in this context is to

"ensur[e] the appearance of aliens at future proceedings," *Zadvydas,* 533 U.S. at 690, and to prevent flight, hereby "increasing the chances that, if ordered removed, the [noncitizens] will be successfully removed." *Demore*, 538 U.S. at 528.

53. The Due Process Clause requires that any deprivation of liberty be narrowly tailored to serve a compelling government interest. See *Reno v. Flores*, 507 U.S. 292, 301 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest"); *Demore*, 538 U.S. at 528 (applying a less rigorous standard for "deportable [noncitizens]").

54. As described above, immigration laws distinguish between noncitizens seeking entry into the country and those who are present within the U.S. after entry. Here, Mr. Paredes has lived in the United States continuously since January 2008 where he started a family. So, §1226, not §1225, controls Mr. Paredes's detention and the due process owed to him is an individualized bond hearing before an Immigration Judge for the judge to assess whether Mr. Paredes poses a danger to society and/or is a flight risk. Accordingly, this court should, pursuant to its broad equitable powers, remedy the constitutional violation here and order that Mr. Paredes be released or be afforded a bond hearing before an Immigration Judge pursuant to §1226(a), rather than §1225. Mr. Paredes has significant and strong ties to the United States and he has repeatedly passed background and security checks for more that 12 years through USDHS's bio-metrics process in order to be issued employment authorization.

55. Mr. Paredes's continued detention is unrelated to the purposes justifying federal civil immigration detention as a constitutional matter, contravenes the fundamental Due Process protections in the Fifth Amendment of the Constitution, and is causing Mr. Paredes ongoing, substantial, and irreparable harm.

COUNT THREE
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

56. Petitioner repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

57. The Administrative Procedure Act provides that courts "shall...hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

58. By classifying Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) despite his long residence in the United States, his apprehension in the interior, and his placement within the statutory framework of 8 U.S.C. § 1226(a), Respondents have acted contrary to the plain text of the statute, longstanding agency practice, and binding precedent.

59. This misapplication of § 1225 constitutes agency action that is not in accordance with law and is arbitrary and capricious within the meaning of the APA. See, e.g., *Rodriguez v. Bostock*, 2025 WL 1193850, at *16 (W.D. Wash. Apr. 24, 2025) (finding that DHS's application of § 1225 to individuals apprehended inside the United States violated the APA).

60. Accordingly, this Court should declare unlawful Respondents' determination that Petitioner is detained under § 1225, set aside that determination pursuant to the APA, and order

Respondents to treat Petitioner's custody as governed by § 1226, entitling him to a bond hearing before a neutral decision maker.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court grant the following relief:

A. Declare that Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful and that his custody is properly governed by 8 U.S.C. § 1226(a);

B. Order Petitioner's immediate release from custody, with or without appropriate conditions of supervision

C. In the alternative, order that Petitioner be provided a prompt and individualized bond hearing before a neutral Immigration Judge applying the proper standards under § 1226(a).

D. Grant such other and further relief as the Court deems just and proper

Dated: November 12, 2025

Respectfully Submitted,

/s/ Eric Bjotvedt Eric Bjotvedt

Eric Bjotvedt
Law Office of Eric Bjotvedt
357 N. Central Avenue, Suite 100
Phoenix, Arizona 85012
T: (602) 277-2156
eric.bjotvedt@gmail.com

Counsel for Petitioner

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

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

/s/ Eric Bjotvedt Eric Bjotvedt
Eric Bjotvedt

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2025, I filed the foregoing pleading electronically through the CM/ECF system which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Eric Bjotvedt Eric Bjotvedt
Eric Bjotvedt