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IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

**ANIRUDH ANIRUDH**

Petitioner,

v.

Brian MCSHANE, Field Office Director of  
Enforcement and Removal Operations,  
Philadelphia Field Office, IMMIGRATION  
AND CUSTOMS ENFORCEMENT;  
Kristi NOEM, Secretary, U.S. Department of  
Homeland Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY;  
Pamela BONDI, U.S. Attorney General;  
EXECUTIVE OFFICE FOR IMMIGRATION  
REVIEW;  
Jamal LAWRENCE, Warden of  
PHILADELPHIA FEDERAL DETENTION  
CENTER

Respondents.

Case No. 25-cv-6458

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Anirudh Anirudh is in the physical custody of Respondents at the  
3 Philadelphia Federal Detention Center. He now faces unlawful detention because the Department  
4 of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have  
5 concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, inter alia, having entered the United States without  
7 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

8 3. Based on this allegation in Petitioner’s removal proceedings, DHS denied  
9 Petitioner’s release from immigration custody, consistent with a new DHS policy issued on July  
10 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider  
11 anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without  
12 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and  
13 therefore ineligible to be released on bond.

14 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or  
15 Board) issued a precedent decision, binding on all immigration judges, holding that an  
16 immigration judge has no authority to consider bond requests for any person who entered the  
17 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).  
18 The Board determined that such individuals are subject to detention under 8 U.S.C. §  
19 1225(b)(2)(A) and therefore ineligible to be released on bond.

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration  
21 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who  
22 were previously detained under § 1226(a) at their initial apprehension by ICE, were released on  
23 their own recognizance pursuant to the same portion of the statute and are now residing in the  
24

1 United States. Instead, upon re-arrest and detention by ICE, such individuals are still subject to §  
2 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to  
3 people who, like Petitioner, are charged as inadmissible for having entered the United States  
4 without inspection and are residing inside the United States.

5 6. Respondents' new legal interpretation is plainly contrary to the statutory  
6 framework and contrary to decades of agency practice applying § 1226(a) to people like  
7 Petitioner.

8 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
9 unless Respondents provide a bond hearing under § 1226(a) within seven days.

#### 10 JURISDICTION

11 8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
12 Federal Detention Center in Philadelphia, Pennsylvania.

13 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
14 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
15 Constitution (the Suspension Clause).

16 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
17 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

#### 18 VENUE

19 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
20 500 (1973), venue lies in the United States District Court for the Eastern District of  
21 Pennsylvania, the judicial district in which Petitioner currently is detained.

22 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
23 Respondents are employees, officers, and agencies of the United States, and because a  
24

1 substantial part of the events or omissions giving rise to the claims occurred in the Eastern  
2 District.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

4 13. The Court must grant the petition for writ of habeas corpus or order Respondents  
5 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an  
6 order to show cause is issued, Respondents must file a return “within three days unless for good  
7 cause additional time, not exceeding twenty days, is allowed.” *Id.*

8 14. Habeas corpus is “perhaps the most important writ known to the constitutional  
9 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
10 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
11 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
12 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
13 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

14 **PARTIES**

15 15. Petitioner Anirudh is a citizen of India who has been in immigration detention  
16 since November 6, 2025. After arresting Petitioner at the Enforcement and Removal Operations  
17 (ERO) office in Philadelphia, when Petitioner was appearing for a regularly scheduled check-in,  
18 ICE did not set bond, and Petitioner is unable to obtain review of his custody by an IJ, pursuant  
19 to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

20 16. Respondent Brian McShane is the Director of the Philadelphia Field Office of  
21 ICE’s Enforcement and Removal Operations division. As such, Brian McShane is Petitioner’s  
22 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in  
23 his official capacity.

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1 17. Respondent Kristi Noem is the Secretary of the Department of Homeland  
2 Security. She is responsible for the implementation and enforcement of the Immigration and  
3 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.  
4 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

5 18. Respondent Department of Homeland Security (DHS) is the federal agency  
6 responsible for implementing and enforcing the INA, including the detention and removal of  
7 noncitizens.

8 19. Respondent Pamela Bondi is the Attorney General of the United States. She is  
9 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
10 and the immigration court system it operates is a component agency. She is sued in her official  
11 capacity.

12 20. Respondent Executive Office for Immigration Review (EOIR) is the federal  
13 agency responsible for implementing and enforcing the INA in removal proceedings, including  
14 for custody redeterminations in bond hearings.

15 21. Respondent Jamal Lawrence is employed by the Bureau of Prisons as Warden of  
16 the Federal Detention Center where Petitioner is detained. Mr. Lawrence has immediate physical  
17 custody of Petitioner. He is sued in his official capacity.

18 **LEGAL FRAMEWORK**

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

21 23. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
22 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally  
23 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),  
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1 while noncitizens who have been arrested, charged with, or convicted of certain crimes are  
2 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

3 24. Second, the INA provides for mandatory detention of noncitizens subject to  
4 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
5 referred to under § 1225(b)(2).

6 25. Last, the INA also provides for detention of noncitizens who have been ordered  
7 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

8 26. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

9 27. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
10 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.  
11 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section  
12 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,  
13 139 Stat. 3 (2025).

14 28. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining  
15 that, in general, people who entered the country without inspection were not considered detained  
16 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited  
17 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;  
18 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

19 29. Thus, in the decades that followed, most people who entered without inspection  
20 and were placed in standard removal proceedings received bond hearings, unless their criminal  
21 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent  
22 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”  
23 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)  
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1 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply  
2 “restates” the detention authority previously found at § 1252(a)). Even individuals who were  
3 apprehended at the border and not immediately detained but placed in standard removal  
4 proceedings under 8 U.S.C. § 1229a, would historically have been considered detained under  
5 § 1226(a) should they alter been detained in the interior of the U.S., and thus eligible for bond  
6 before an immigration judge.

7 30. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
8 rejected well-established understanding of the statutory framework and reversed decades of  
9 practice.

10 31. The new policy, entitled “Interim Guidance Regarding Detention Authority for  
11 Applicants for Admission,”<sup>1</sup> claims that all persons who entered the United States without  
12 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The  
13 policy applies regardless of when a person is apprehended and affects those who have resided in  
14 the United States for months, years, and even decades.

15 32. On September 5, 2025, the BIA adopted this same position in a published  
16 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the  
17 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are  
18 ineligible for IJ bond hearings.

19 33. This followed a May 15, 2025, decision by the BIA holding an applicant for  
20 admission arrested without a warrant while arriving in the United States and subsequently placed  
21 into removal proceedings is detained under 8 U.S.C. § 1225(b). *Matter of Q. Li*, 29 I&N Dec. 66  
22 (BIA 2025).

23 \_\_\_\_\_  
24 <sup>1</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1           34.     Since Respondents adopted their new policies, dozens of federal courts have  
2 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected  
3 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

4           35.     Subsequently, court after court has adopted the same reading of the INA's  
5 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Rodriguez*  
6 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-CV-  
7 11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-  
8 11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v.*  
9 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025),  
10 *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133  
11 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL  
12 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025  
13 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW  
14 (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM,  
15 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025  
16 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF,  
17 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-  
18 JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-  
19 KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
20 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*  
21 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);  
22 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,  
23 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.

1 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.  
2 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.  
3 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2  
4 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §  
5 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL  
6 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-  
7 RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same).

8 36. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it  
9 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the  
10 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

11 37. Section 1226(a) applies by default to all persons “pending a decision on whether  
12 the [noncitizen] is to be removed from the United States.” These removal hearings are held under  
13 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

14 38. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
15 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
16 (E)’s reference to such people makes clear that, by default, such people are afforded a bond  
17 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress  
18 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,  
19 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*  
20 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025  
21 WL 1869299, at \*7.

1           39.     Section 1226 therefore leaves no doubt that it applies to people who face charges  
2 of being inadmissible to the United States, including those who are present without admission or  
3 parole.

4           40.     By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
5 recently entered the United States. The statute’s entire framework is premised on inspections at  
6 the border of people who are “seeking admission” to the United States. 8 U.S.C.  
7 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme  
8 applies “at the Nation’s borders and ports of entry, where the Government must determine  
9 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583  
10 U.S. 281, 287 (2018).

11           41.     Immigration officials and the Department of Justice (DOJ) have long taken the  
12 position that immigration officials have broad discretion not to apply the detention and expedited  
13 removal procedures § 1225(b), and whether to classify individuals encountered inside the United  
14 States shortly after crossing the border as subject to § 1225(b) detention or § 1226(a) detention.  
15 *See* Brief for Petitioners at 4-7 (No. 21-954), *Biden v. Texas*, 597 U.S. 785 (2022). The DOJ has  
16 stated, “[t]he INA affords DHS multiple options for processing applications for admission,” and  
17 that includes arrest and detention pursuant to § 1226(a). *See id.* at 4-5.

18           42.     Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not  
19 apply to people like Petitioner, who were detained and released by ICE on their own  
20 recognizance pursuant to § 1226(a) before being re-detained by ICE sometime later while living  
21 in the United States.

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1 **FACTS**

2 43. Petitioner has resided in the United States since September 2024 and lives in  
3 Northampton, Pennsylvania.

4 44. On November 6, 2025, Petitioner was arrested while attending his routine check-  
5 in with ICE at the Philadelphia ERO office. Petitioner's wife, also an asylum applicant who  
6 entered the United States with the Petitioner, also attended that check in, as required, and was not  
7 detained by ICE. She was scheduled for another check-in on November 6, 2026.

8 45. When Petitioner was initially apprehended by ICE at the border in September  
9 2024, he was detained pursuant to 8 U.S.C. § 1226(a), released on his own recognizance, and  
10 required to attend routine check-ins with ICE. Petitioner attended his first ICE check-in on  
11 November 6, 2024, as required. Then, at his second check-in on November 6, 2025, he was  
12 detained. Petitioner is now detained at the Federal Detention Center in Philadelphia, PA.

13 46. DHS placed Petitioner in removal proceedings before the Philadelphia  
14 Immigration Court pursuant to 8 U.S.C. § 1229a on or about September 1, 2024, shortly after  
15 Petitioner was initially apprehended by immigration officials in New York. ICE has charged  
16 Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who  
17 entered the United States without inspection. He had a court hearing scheduled for July 20,  
18 2026, to proceed with his asylum application before the Philadelphia Immigration Court prior to  
19 his detention by ICE on November 6, 2025.

20 47. The documents provided to Petitioner when he was first apprehended by ICE in  
21 September 2024 clearly indicate he was arrested, detained, and released on his own recognizance  
22 pursuant to 8 U.S.C. § 1226(a).

1 48. ICE detained him without explanation on November 6, 2025. Respondent's  
2 removal proceedings and asylum application remain pending with the immigration court.

3 49. Petitioner has lived with his wife and his close family friend since his arrival in  
4 the United States. He has never been criminally arrested or apprehended by law enforcement,  
5 apart from his immigration arrest, and has become a valued member of his community.  
6 Petitioner filed a timely application for asylum on or about March 31, 2025, evincing his  
7 eligibility for relief before the immigration court. Petitioner is neither a flight risk nor a danger to  
8 the community.

9 50. Following Petitioner's arrest and transfer to Federal Detention Center, ICE issued  
10 a custody determination to continue Petitioner's detention without an opportunity to post bond or  
11 be released on other conditions.

12 51. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
13 Petitioner's bond request because he entered the United States without inspection.

14 52. As a result, Petitioner remains in detention. Without relief from this court, he  
15 faces the prospect of months, or even years, in immigration custody, separated from his extended  
16 family and community.

17 **CLAIMS FOR RELIEF**

18 **COUNT I**

19 **Violation of the INA**

20 53. Petitioner incorporates by reference the allegations of fact set forth in the  
21 preceding paragraphs.

22 54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
23 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As  
24 relevant here, it does not apply to those who previously entered the country and were

1 apprehended pursuant to § 1226(a), placed in removal proceedings and released, and have been  
2 residing inside the United States before their detention. Such noncitizens are detained under §  
3 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

4 55. Respondents made a discretionary determination to issue a warrant for  
5 Petitioner's arrest in September 2024 and made a custody determination to release him on his  
6 own recognizance pursuant to § 1226(a). Respondents now essentially seek to *ex post facto*  
7 redetermine the statute under which they are detaining Petitioner based on ICE's July 8, 2025  
8 policy change, that is at direct odds with the plain language of the statute. They now argue that  
9 Petitioner is detained under § 1225(b)(2) despite previously arresting him pursuant to § 1226(a)  
10 and making a custody determination to release him on his own recognizance pursuant to their  
11 authority under that section.

12 56. Rather, Respondents' rearrest of Petitioner on November 6, 2025, was pursuant to  
13 the earlier administrative warrant DHS issued over a year earlier, pursuant to § 1226(a).  
14 Respondents have consistently treated Petitioner as subject to § 1226(a) until this point. This is  
15 further supported by the fact that Petitioner was not paroled into the United States pursuant to §  
16 1182(d)(5)(A), which is the only mechanism for DHS to release someone detained under §  
17 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018). Respondent was released on his  
18 own recognizance, which is only a mechanism for release under § 1226(a).

19 57. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
20 detention and violates the INA.

21 **COUNT II**  
22 **Violation of the Bond Regulations**

23 58. Petitioner incorporates by reference the allegations of fact set forth in preceding  
24 paragraphs.

1 59. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-  
2 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.  
3 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the  
4 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present  
5 without having been admitted or paroled (formerly referred to as [noncitizens] who entered  
6 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323  
7 (emphasis added). The agencies thus made clear that individuals who had entered without  
8 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §  
9 1226 and its implementing regulations.

10 60. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and  
11 practice of applying § 1225(b)(2) to individual like Petitioner.

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

14 **COUNT III**  
15 **Violation of Due Process**

16 62. Petitioner repeats, re-alleges, and incorporates by reference each and every  
17 allegation in the preceding paragraphs as if fully set forth herein.

18 63. The government may not deprive a person of life, liberty, or property without due  
19 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government  
20 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the  
21 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

22 64. Petitioner has a fundamental interest in liberty and being free from official  
23 restraint.  
24

1 65. The government's detention of Petitioner without a bond redetermination hearing  
2 to determine whether he is a flight risk or danger to others violates his right to due process.

3 **PRAYER FOR RELIEF**

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

- 5 a. Assume jurisdiction over this matter;
- 6 b. Order that Petitioner shall not be transferred outside the Eastern District of  
7 Pennsylvania while this habeas petition is pending;
- 8 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
9 Petition should not be granted within three days;
- 10 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
11 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
12 1226(a) within seven days;
- 13 e. Declare that Petitioner is detained pursuant to 8 U.S.C. § 1226(a);
- 14 f. Declare that Petitioner's detention is unlawful;
- 15 g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
16 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
17 law; and
- 18 h. Grant any other and further relief that this Court deems just and proper.

19 DATED this 14th of November 2025.

20  
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*Attorney for Petitioner*

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5 IN THE UNITED STATES DISTRICT COURT FOR  
6 THE EASTERN DISTRICT OF PENNSYLVANIA

7 ANIRUDH ANIRUDH

8 v.

9 NOEM, ET AL.

Case No. 25-cv-6458

10 **PETITION FOR WRIT OF  
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11 **EXHIBIT LIST**

12 **Exhibit**

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- 14 **A.** Warrant for Arrest of Alien, Form I-200, stating Petitioner was taken  
15 into custody on September 1, 2024 as authorized by section 236 of  
the INA; 1
- 16 **B.** September 1, 2024 Notice of Custody Determination, stating  
17 Petitioner will be released on his own recognizance pursuant to  
section 236 of the INA; 2
- 18 **C.** September 1, 2024 Order of Release on Recognizance, stating  
19 Petitioner was arrested and placed in removal proceedings, but is being  
20 released on his own recognizance in accordance with section 236 of  
the INA. 3
- 21 **D.** Notice to Appear in Immigration Court, evincing Petitioner was  
22 placed into 8 U.S.C. § 1229a proceedings and is not an arriving alien. 4-6
- 23 **E.** Printout of ICE Detainee Locator, evincing Petitioner is housed at the  
24 Federal Detention Center in Philadelphia. 7