UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVANGELINA MORALES, Individually and on behalf of all others similarly situated, *Petitioner,* *v.* **PAMELA BONDI**, ET AL., Respondents.	CASE NO. 1:25-CV-01472 Honorable Hala Y. Jarbou **EXPEDITED CONSIDERATION REQUESTED Pursuant to Local Rule 7.1(e)**

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BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR DECLARATORY RELIEF

I. INTRODUCTION

This case arises from an urgent and unlawful practice: the government's systematic misclassification of detained noncitizens—many of whom have lived in the United States for years—as "arriving aliens" in order to strip them of the basic protections guaranteed by federal law and the Constitution. Without any statutory amendment, rulemaking, or legitimate legal basis, the Department of Homeland Security ("DHS") and the Executive Office for Immigration Review ("EOIR") have imposed a sweeping detention regime that denies access to bond hearings for a broad class of people who, for decades, would have been eligible under 8 U.S.C. § 1226(a). The result is indefinite civil confinement without a hearing, applied categorically to individuals arrested in the interior of the country, many of whom have long-standing ties to their communities, no criminal history, and no opportunity to be heard.

Petitioner seeks a declaratory judgment to clarify what the law requires and to halt the executive branch's deviation from it. Declaratory relief is particularly suited to this moment, where uniformity and legal certainty are urgently needed to resolve a widespread and ongoing deprivation of liberty. Every day that passes without clarification from this Court risks perpetuating unlawful detention and irreparable harm. Petitioner and members of the putative class are not seeking individualized release determinations through this action; they seek only a ruling on the legal question of what statutory framework governs their custody, which will permit them to pursue the individualized hearings that the law already promises. While habeas corpus is the vehicle for individual release, declaratory relief is uniquely necessary here to resolve the underlying *systemic* legal error that is driving thousands of unlawful detentions. A declaration from this Court will settle the controversy for the entire class, preventing the need for endless piecemeal litigation over the same pure question of law.

The text of the Immigration and Nationality Act ("INA"), its implementing regulations, and longstanding agency interpretation make clear that individuals who entered the United States without inspection and are later arrested inside the country are not "arriving aliens" under 8 U.S.C. § 1225(b). Instead, they are detained under § 1226(a), which permits individualized release and bond hearings. Courts in this District and around the country have consistently reached this conclusion. Nevertheless, in reliance on the Board of Immigration Appeals' new decision in *Matter of Yajure Hurtado*, DHS and EOIR have embraced an interpretation that denies these individuals the hearings they are entitled to, purely based on their manner of entry—no matter how long ago they entered, how long they have lived here, or how compelling their equities. 29 I. & N. Dec. 216 (BIA 2025). Immigration judges, bound by that decision, now routinely decline jurisdiction to conduct custody hearings for individuals in standard removal proceedings, and multiple declarations in the record confirm that detained individuals have no viable administrative remedy.

Through this action, Petitioner ask the Court to declare what the law requires: that people arrested in the interior of the United States, who are not in expedited removal proceedings and have not been paroled or admitted to the United States, are detained under § 1226—not § 1225(b). This declaratory relief will not only resolve this controversy but prevent the government from continuing to detain individuals in violation of their statutory and constitutional rights. It will also bring uniformity to detention practices within this District, prevent the waste of judicial and administrative resources on duplicative habeas petitions, and restore access to the individualized process that Congress plainly intended.

II. FACTUAL BACKGROUND

Over the past year—and with full institutional adoption by mid-2025—DHS and EOIR have implemented a sweeping and legally unsupported change to the immigration detention regime. Without formal rulemaking or congressional authorization, the agencies have begun detaining a broad swath of noncitizens under the mandatory detention provision of 8 U.S.C. § 1225(b), rather than under 8 U.S.C. § 1226(a), the statute that has governed such arrests for decades. This sudden shift, executed through internal guidance and adjudicative reinterpretation, has transformed discretionary civil detention into a regime of mandatory confinement without the opportunity for a bond hearing.

The new policy targets individuals who entered the United States without inspection—often many years ago—but who were subsequently arrested within the interior of the United States. These individuals have long been considered subject to discretionary detention under § 1226(a), which provides for release on bond and permits a custody redetermination before an immigration judge. That framework has been reaffirmed in decades of regulations, agency memoranda, and court decisions. Indeed, the very regulations implementing § 1226(a) explain that "[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). This structure preserved basic due process protections while allowing immigration judges to assess danger and flight risk on an individualized basis.

In July 2025, ICE and EOIR jointly issued new interim guidance, and the Board of Immigration Appeals ("BIA") followed suit in September 2025 with its decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). These agency actions reclassify virtually all

noncitizens who entered without inspection as 'arriving aliens' subject to mandatory detention under § 1225(b)(2)(A). This reclassification ignores the express statutory requirement that mandatory detention applies only when an 'examining immigration officer determines' inadmissibility *during inspection*. *See* 8 U.S.C. § 1225(b)(2)(A). For long-term residents arrested in the interior, no such 'examining officer' determination ever occurred at the time of entry. DHS is attempting to retroactively apply a border-processing statute to individuals who are not at the border and are not being inspected. This shift categorically strips them of access to bond hearings and judicial custody review, transforming a once-discretionary civil detention regime into mandatory confinement without process. Immigration judges have confirmed that they lack jurisdiction to consider custody redeterminations under this policy. The government's litigation positions likewise concede that individuals subject to this new classification are ineligible for any bond hearing under current policy.

This new classification has had immediate and devastating consequences for noncitizens detained across the Western District of Michigan, including hundreds currently held at North Lake Correctional Facility in Baldwin and Calhoun County Correctional Center in Battle Creek. Many of these individuals are longtime residents with deep family and community ties, no criminal history, and active removal proceedings pending before immigration judges. Yet under the government's new policy, they are held indefinitely—without bond hearings, without individualized assessments of flight risk or danger, and without any meaningful avenue for relief. As declarations in the record attest, detainees have been denied bond, transferred far from counsel, and left without access to legal resources. The administrative process provides no remedy: motions for bond are rejected, appeals are procedurally barred, and detainees are caught in a legal limbo.

The named Petitioner, Evangelina Morales, exemplifies the harms of this unlawful policy. Petitioner Evangelina Morales has lived continuously in the United States since 2001, when she was six years old. She is the primary caregiver to four U.S. citizen children, including two with special needs. Ms. Morales has no criminal history, no record of violence, and no realistic risk of flight. Nonetheless, on October 28, 2025, she was arrested without a judicial warrant at her partner's residence in Detroit, Michigan. ICE transferred her to North Lake Correctional Facility, hundreds of miles from her children, and designated her for mandatory detention under 8 U.S.C. § 1225(b)(2)(A)—a statute governing arriving aliens at ports of entry. This classification, despite her decades-long residence in the interior and lack of any admission-related activity, stripped her of the right to a bond hearing. Like hundreds of others detained under this policy in the Western District of Michigan, Ms. Morales has been categorically denied individualized review, confined solely by virtue of a new executive interpretation that is untethered from statute, regulation, or due process.

The same pattern applies to dozens of others currently detained at North Lake and the Calhoun County Correctional Center. Each was arrested without a warrant, placed in standard removal proceedings under 8 U.S.C. § 1229a, and summarily denied a bond hearing under § 1225(b) based solely on the government's unilateral reclassification of these individuals as "arriving aliens" under their strained interpretation of the relevant statutory text. Many have sought habeas relief; others are unable to do so due to language barriers, legal barriers, or detention conditions. All face indefinite confinement under a policy that is flatly inconsistent with the statute, regulations, and constitutional guarantees. The cumulative record before this Court—consisting of multiple affidavits, administrative denials, and government

filings—demonstrates that this is not an isolated error but a systemic reorientation of the law with widespread impact.

The ongoing significance of this misclassification is underscored by recent litigation. In *Bautista v. Noem*, the Central District of California granted partial summary judgment to a certified class challenging the same DHS policy at issue here, holding that noncitizens arrested in the interior and charged with inadmissibility are detained under § 1226(a), not § 1225(b). *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (Exhibit 1 - Order Granting Partial SJ). Although the court declined to enter final judgment pending further proceedings, the ruling marks a direct rebuke of DHS's reinterpretation. The government has since attempted to limit Bautista's reach, arguing in other proceedings that the decision does not constitute a class-wide declaratory judgment and therefore lacks preclusive effect on similar cases. *Response to Petitioner's Motion to Grant Petition Based on Class Action Declaratory Judgment*, at 1, *No. Redacted* (W.D. La. Nov. 26, 2025) (Exhibit 2). This only heightens the urgency of declaratory relief in this District, where DHS and EOIR continue to apply the same misclassification policy and deny bond access in violation of statutory and constitutional mandates.

While the *Bautista* court has issued a declaratory judgment on a nationwide basis, a parallel declaration from this Court is essential for enforcement. The Central District of California lacks jurisdiction to issue writs or contempt orders against the Respondents in Michigan (Raycraft/Dunbar) who are physically detaining the Petitioner class. A declaratory judgment from *this* Court provides the necessary legal predicate for enforcing the rights of the Michigan Class against their immediate custodians.

This action seeks declaratory relief to end that systemic misclassification, and to restore the lawful application of § 1226(a) to the hundreds—and likely thousands—of similarly situated individuals unlawfully denied their right to seek release. Absent this Court's intervention, detention will remain mandatory, process will remain unavailable, and federal courts will be forced to adjudicate dozens of repetitive, case-by-case petitions to enforce a statutory framework that Congress has already provided.

In support of this brief, Petitioner submits sworn declarations from experienced immigration practitioners across multiple jurisdictions attesting to the practical effect of the Government's policy. (Exhibit(s) 3 - Counsel Declarations). These declarations confirm that Immigration Judges now routinely refuse to entertain bond requests for noncitizens arrested in the interior, citing Matter of Yajure-Hurtado and DHS's interim guidance as stripping them of jurisdiction. Luis Angeles describes an IJ who, even when ordered by a federal court to hold a bond hearing, stated on the record that he would have granted bond but believed himself legally barred from doing so (Declaration of Luis Angeles, ¶¶ 6–9). Carolyn A. Marks recounts similar categorical denials in the Cleveland and Memphis courts, where bond motions are summarily rejected without consideration of the detainee's circumstances (Declaration of Carolyn A. Marks, ¶¶ 6–9). Marlon Bayas explains that IJs in New York and New Jersey routinely disregard custody redetermination requests as futile under the policy (Declaration of Marlon Bayas, ¶¶ 6–8). Steven Planzer reports that immigration judges in Michigan no longer adjudicate bond at all for this category of detainees, treating the issue as resolved by agency directive (Declaration of Steven Planzer, ¶¶ 7–11). Nazly Mamedova confirms this pattern across Cleveland, Conroe, Memphis, and Indianapolis, where IJs deny jurisdiction without individualized inquiry (Declaration of Nazly Mamedova, ¶¶ 6–8). Additionally, Petitioner submits a recent order dated November 28,

2025, in which an Immigration Judge explicitly refused to apply the *Bautista* class ruling, asserting that because that court granted *partial* summary judgment rather than a final judgment, the agency remains free to ignore it. (Exhibit 4 - Order from IJ). This confirms that the government will continue to treat federal judicial findings as non-binding suggestions unless compelled by the precise and final Declaratory Judgment sought here. These accounts are consistent, credible, and unrebutted. Together, they demonstrate that for individuals like Ms. Morales—arrested in the interior and placed in § 1229a proceedings—the statutory right to seek release under § 1226(a) has been nullified in practice.

III. LEGAL STANDARD FOR DECLARATORY JUDGMENT

Under Rule 57, the Federal Rules of Civil Procedure "govern the procedure for obtaining a declaratory judgment under 28 U.S.C. § 2201." Fed. R. Civ. P. 57. The Declaratory Judgment Act provides, with certain exclusions not applicable here:

> In a case of actual controversy within its jurisdiction . . . , any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

28 U.S.C. § 2201(a); see also *Wilton v. Seven Falls Co.*, 515 U.S. 277, 286 (1995) ("Since its inception, the Declaratory Judgment Act has been understood to confer on federal courts unique and substantial discretion in deciding whether to declare the rights of litigants.").

In the Sixth Circuit, courts consider five factors in deciding whether a case is appropriate for declaratory judgment:

> (1) whether the declaratory action would settle the controversy; (2) whether the declaratory action would serve a useful purpose in clarifying the legal relations in issue; (3) whether the declaratory remedy is being used merely for the purpose of "procedural fencing" or "to provide an arena for res judicata;" (4) whether the use of a declaratory action would increase friction between our federal and state

> courts and improperly encroach upon state jurisdiction; and (5) whether there is an alternative remedy which is better or more effective.

Grand Trunk W. R.R. Co. v. Consolidated Rail Corp., 746 F.2d 323, 326 (6th Cir. 1984).

> The Sixth Circuit has further divided the fourth factor into three sub-factors:
>
> (1) [W]hether the underlying factual issues are important to an informed resolution of the case;
>
> (2) whether the state trial court is in a better position to evaluate those factual issues than is the federal court; and
>
> (3) whether there is a close nexus between underlying factual and legal issues and state law and/or public policy, or whether federal common or statutory law dictates a resolution of the declaratory judgment action.

Scottsdale Ins. Co. v. Flowers, 513 F.3d 546, 560 (6th Cir. 2008) (quoting *Bituminous Cas. Corp. v. J & L Lumber Co.*, 373 F.3d 807, 814–15 (6th Cir. 2004)).

Underlying each factor are "considerations of efficiency, fairness, and federalism." *United Specialty Ins. Co. v. Cole's Place, Inc.*, 936 F.3d 386, 396 (6th Cir. 2019) (quoting *Western World Ins. Co. v. Hoey*, 773 F.3d 755, 759 (6th Cir. 2014)). The Sixth Circuit has not indicated "the relative weights of the factors[,] but notes that '[t]he relative weight of the underlying considerations . . . will depend on the facts of the case.'" *Id.*

In reviewing a district court's entry of a declaratory judgment, therefore, appellate courts keep in mind that "[t]he essential question is always whether [the] district court has taken a good look at the issue and engaged in a reasoned analysis of whether issuing a declaration would be useful and fair." *Id.* (citation omitted). "District courts must be afforded substantial discretion to exercise jurisdiction 'in the first instance, because facts bearing on the usefulness of the declaratory judgment remedy, and [the] fitness of the case for resolution, are peculiarly within their grasp.'" *Flowers*, 513 F.3d at 554 (quoting *Wilton v. Seven Falls Co.*, 515 U.S. 277, 289, 115 S.Ct. 2137, 132 L.Ed.2d 214 (1995)).

IV. ARGUMENT

Declaratory relief is urgently warranted in this case, which challenges a categorical, systemic, and ongoing federal policy that deprives hundreds of noncitizens of liberty without process and in open defiance of controlling statutory and constitutional law. The requested declaration would resolve a singular, dispositive legal question: whether noncitizens arrested within the interior of the United States after entering without inspection—often years or decades earlier—may be detained without bond hearings under 8 U.S.C. § 1225(b)(2)(A), or whether they remain subject to the discretionary detention authority of § 1226(a). This question lies at the heart of the government's current detention regime, which reclassifies these individuals as "arriving aliens" based solely on their manner of entry and categorically denies them access to bond hearings. That policy has been rejected by multiple federal courts but is still being enforced through *Matter of Yajure Hurtado*. A declaratory judgment would conclusively clarify the rights of all affected individuals, restore the authority of federal courts over immigration detention, and eliminate the conflicting interpretations that now drive divergent and unlawful outcomes in immigration courts across the country.

First, a declaratory judgment will settle the controversy in full. *See Grand Trunk*, 746 F.2d at 326. The central issue, whether § 1226(a) or § 1225(b)(2)(A) governs the detention of noncitizens arrested in the interior, is a pure question of statutory interpretation that will resolve both the legal authority for detention and the procedural rights that follow. Because immigration judges across multiple jurisdictions, including Detroit and Calhoun County, have treated *Matter of Yajure Hurtado* as controlling despite contrary district court rulings, a declaratory judgment is essential to break that impasse. A ruling from this Court would not only determine the legality of Petitioner's continued detention but would provide binding clarity to agency actors and

immigration courts that have abdicated jurisdiction, deterred by flawed internal guidance, and compelled to act in tension with Article III rulings.

Second, declaratory relief will clarify the legal relationship between the parties by definitively resolving the scope of the government's detention authority. *See id.* DHS and EOIR have adopted a reclassification policy, rooted in *Matter of Yajure-Hurtado*, that flatly contradicts decades of settled law, regulatory text, and constitutional guarantees. Although this Court and others have rejected the agency's position, immigration judges continue to deny jurisdiction over bond requests, invoking *Yajure-Hurtado* and refusing to entertain individualized assessments of flight risk or danger. This is not merely legal confusion, it is open defiance of Article III interpretations by administrative courts. Sworn declarations confirm that judges in multiple jurisdictions categorically deny hearings and disclaim authority, regardless of the individual facts or controlling district precedent. (Exhibits 3). A declaratory judgment from this Court will cut through that impasse, compel conformity to judicial rulings, and provide urgently needed legal clarity for all actors, especially immigration judges, DHS officers, detained individuals, and reviewing courts within the Western District of Michigan and beyond.

Third, there is no indication of procedural fencing, forum shopping, or improper use of this forum. *See id.* Petitioner does not seek to evade adjudication or relitigate resolved claims; rather, they seek forward-looking declaratory relief in a federal forum that is not only appropriate but necessary to resolve an urgent question of statutory interpretation. This case involves exclusively federal questions concerning the Immigration and Nationality Act, the constitutional limits on civil detention, and the validity of agency action under the Administrative Procedure Act. The relief sought is systemic and prospective, not individualized or collateral, and directly targets an ongoing federal policy that has fractured legal interpretation and subverted judicial

oversight. In this context, declaratory judgment serves the core purposes of federal jurisdiction: to resolve legal uncertainty, ensure consistent application of federal law, and prevent further erosion of constitutional and statutory rights.

Fourth, there are no state interests implicated, and no risk of friction with state courts arises from the relief requested. *See id.* This action exclusively concerns the interpretation and enforcement of federal immigration statutes, federal constitutional rights, and federal agency conduct. It neither intersects with nor disrupts any ongoing state proceedings, nor does it present any issue of state law or policy. The case falls squarely within the heartland of federal jurisdiction: it challenges executive interpretations of the Immigration and Nationality Act, the administrative overreach embodied in *Matter of Yajure Hurtado*, and the systemic denial of due process to individuals in federal civil detention. The sub-factors identified by the Sixth Circuit, concerning factual development, state-federal comity, and legal source, are all satisfied, as the relevant facts are already well-developed in the record, the claims arise entirely under federal law, and no state entity has any adjudicatory or policy stake in the resolution. This is precisely the sort of dispute federal courts are designed to resolve without encroachment or conflict.

Fourth, this case presents no risk of encroachment on state judicial authority or interference with state interests. *See id.* Petitioner raises exclusively federal statutory and constitutional claims, challenging the federal government's detention practices and the legal framework applied by federal agencies. There are no pending state proceedings, no parallel litigation in state court, and no asserted interest by any state actor in the outcome of this case. The legal dispute belongs wholly within the federal system as it centers on the interpretation of §§ 1225 and 1226 of the Immigration and Nationality Act, the application of due process under the Fifth Amendment, and the validity of federal agency action under the APA. Consequently, a

declaratory judgment would not risk duplicative rulings, create jurisdictional friction, or undermine principles of comity.

Fifth, a class-wide declaratory judgment is the only remedy capable of effectively addressing the systemic legal violation at issue. Individual habeas petitions are an inadequate alternative because they address only the *fact* of confinement for a single person, not the *validity* of the policy itself. As the Supreme Court noted in *Trump v. J.G.G.*, habeas is the remedy for release. However, where an agency is acting pursuant to an unlawful *policy* (here, *Matter of Yajure-Hurtado* and the July 2025 Directive), a declaratory judgment is the 'better and more effective' remedy because it strikes at the root of the illegality. Unlike a habeas writ, which frees one person, a declaratory judgment invalidates the legal premise for the detention of thousands, providing the 'uniformity' that Rule 23 contemplates. *See Bautista*, Order Certifying Class at 12 (finding declaratory relief appropriate to resolve common legal question). The affidavits supporting this brief, including from practitioners such as Luis Angeles, confirm that Immigration Judges nationwide, including in this District, categorically deny jurisdiction to adjudicate bond for this population, regardless of individual facts or equities. (*Luis Angeles Decl.*, Exhibit 3). In multiple instances, IJs have refused even to consider evidence or arguments supporting § 1226(a) jurisdiction, citing *Matter of Yajure Hurtado* as binding precedent. In one striking case, an IJ openly acknowledged he would grant a $5,000 bond based on the record but stated he lacked the authority to do so, despite a federal district court's TRO requiring a bond hearing. (*Luis Angeles Decl.* ¶8). This practice reflects a structural subordination of judicial mandates to agency interpretation. As such, the administrative process is functionally closed to relief, and piecemeal litigation will neither stem the ongoing harm nor produce consistent enforcement. Only declaratory relief can resolve the underlying statutory question in a uniform

and binding manner, compel compliance by EOIR and ICE, and restore due process protections for the hundreds of detainees now indefinitely confined under an unlawful detention regime.

In sum, all five Grand Trunk factors overwhelmingly support this Court's exercise of discretion to issue declaratory relief. The government's uniform and categorical reclassification of long-settled noncitizens as "arriving aliens" under § 1225(b) is not only incompatible with the plain text and structure of the INA, but is also directly contrary to binding precedent in this District and the broader Sixth Circuit. This litigation does not ask the Court to resolve disputed facts or engage in individualized determinations; it presents a singular, recurring question of statutory interpretation, the resolution of which will settle the parties' rights, guide future conduct by federal officers, and restore compliance with both statutory and constitutional mandates.

The affidavits in support of this brief demonstrate that detainees across multiple facilities, including North Lake Correctional Facility and Calhoun County Correctional Center, are being denied bond hearings as a matter of policy. (Exhibits 3). Immigration Judges have explicitly disclaimed jurisdiction even when presented with binding district court orders to the contrary. These actions illustrate that the current administrative scheme does not permit adequate relief through individual filings and in fact undermines the role of the judiciary in enforcing the rule of law. Without a class-wide declaration, the unlawful deprivation of liberty will persist, and petitioner and putative class will be forced to litigate the same legal issue in repetitive habeas proceedings across the District.

Accordingly, this Court should declare that Petitioner and the putative class are detained under 8 U.S.C. § 1226(a) and are therefore entitled to individualized bond hearings; that *Matter of Yajure Hurtado* is contrary to law, ultra vires, and invalid under the Administrative Procedure

Act; and that Respondents' blanket denial of release based solely on manner of entry violates the Due Process Clause of the Fifth Amendment. Declaratory relief is not only authorized but essential to restore statutory fidelity, ensure constitutional protections, and prevent ongoing irreparable harm.

V. BASIS FOR EXPEDITED CONSIDERATION

Pursuant to W.D. Mich. LCivR 7.1(e), good cause exists to expedite the briefing and consideration of this Motion. First, the continued mandatory detention of Petitioner and the putative class constitutes an ongoing, irreparable deprivation of liberty that this Court has already declared unconstitutional in *Mendez v. Raycraft*. Every day that passes without a binding declaratory judgment is another day that hundreds of individuals are denied the due process required by law.

Second, expedited relief is necessary to prevent the government from evading judicial review through technicalities. As demonstrated by the Immigration Judge's order submitted herewith, the government is currently refusing to honor the *Bautista* nationwide class certification, claiming that because that court granted *partial* summary judgment rather than a final declaratory judgment, the agency is not bound to follow it . A prompt and final Declaratory Judgment from this Court is the only mechanism to close this enforcement gap and compel immediate compliance with the INA.

Finally, judicial economy demands a swift resolution. Because the government refuses to apply *Mendez* or *Bautista* broadly, this Court faces an accelerating influx of individual habeas petitions litigating the exact same legal issue - 172 filed as of the filing of this brief. Deciding this Motion on an expedited basis will resolve the controversy in a single order, preserving judicial resources and ensuring uniform justice across the District.

VI. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Petitioner-Plaintiff respectfully requests that this Court issue a declaratory judgment pursuant to 28 U.S.C. § 2201 and grant the following relief:

1. Assume jurisdiction over this matter under 28 U.S.C. § 1331 and Article III of the U.S. Constitution;
2. Declare that Petitioner and similarly situated putative class members are detained, if at all, pursuant to 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2), and are therefore entitled to a bond hearing;
3. Declare that Respondents' ongoing practice of detaining individuals without individualized bond hearings—based solely on their manner of entry—is unlawful under the Immigration and Nationality Act, 8 U.S.C. § 1226, and violates the Due Process Clause of the Fifth Amendment;
4. Declare that *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), is invalid, ultra vires, and entitled to no deference under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), and must be vacated as contrary to law under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C), and (D);
5. Declare that Respondents' policy and practice of categorically denying bond eligibility to noncitizens arrested in the interior of the United States solely based on prior unlawful entry violates substantive and procedural due process;
6. Enjoin Respondents from applying *Matter of Yajure Hurtado* to Petitioner or similarly situated class members, and from denying bond hearings to individuals arrested within the interior of the United States who are not in expedited removal and not subject to mandatory detention under § 1226(c) or post-removal-order detention under § 1231;

7. Order that all members of the putative class be provided with a prompt, individualized bond hearing before an impartial immigration judge with the authority to grant release on bond and conditions, consistent with constitutional and statutory requirements;
8. Award Petitioner reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and any other applicable authority; and
9. Grant such other and further relief as this Court deems just and proper.

Dated: November 30, 2025

By: */s/ Robert Anthony Alvarez*

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