

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

Luis Castro-Peralta

Petitioner

v.

Brian Acuna; Keith Deville, Todd Lyons; Kristi Noem;
Pamela Bondi; Kevin Margolin
(all acting in their official capacity).

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 25-1807

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Luis Enrique Castro-Peralta

(b) Other names you have used: Luis Castro-Peralta

2. Place of confinement:

(a) Name of institution: Richwood Correctional Center

(b) Address: 180 Pine Bayou Circle, Richwood, LA 71202

(c) Your identification number: A [REDACTED]

3. Are you currently being held on orders by:

Federal authorities State authorities Other - explain:

4. Are you currently:

A pretrial detainee (waiting for trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket number of criminal case: _____

(c) Date of sentencing: _____

Being held on an immigration charge

Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

Luis Enrique Castro-Peralta,)
Petitioner,)

No: 25-cv-1807

v.)

Brian Acuna, New Orleans Field Office)
Director of Immigration and Customs)
Enforcement; Keith Deville, Warden of)
Richwood Correctional Center; Todd)
Lyons, Acting Director of Immigration)
and Customs Enforcement; Devin)
Margolin, Executive Office of Immigration)
Review Director; Kristi Noem, Secretary of)
the Department of Homeland;)
Pamela Bondi, Attorney General of the)
United States; U.S. Department of)
Homeland Security; U.S. Immigration and)
Customs Enforcement,)
Respondents)

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

Petitioner, Luis Enrique Castro-Peralta, through undersigned counsel, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the lawfulness of Petitioner’s continued detention as an “arriving alien” subject to mandatory detention under 8 U.S.C. § 1225(b), as interpreted in Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025).

JURISDICTION

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 as Petitioner is in custody within the Western District of Louisiana and challenges the legality and constitutionality of his detention.

VENUE

2. Venue is proper under 28 U.S.C. § 2241(d) because Petitioner is confined within this district.

PARTIES

3. Petitioner is a noncitizen currently detained by U.S. Immigration and Customs Enforcement (“ICE”) as an “arriving alien” under section 235(b) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1225(b).
4. Respondent Brian Acuna is the Field Office Director for ICE, the federal agency responsible for Petitioner’s detention and custody. He is named in his official capacity.
5. Respondent Keith Deville is the Warden of the detention facility where Petitioner is confined. He is named in his official capacity.
6. Respondent Todd Lyons is the acting director of ICE, the federal agency responsible for Petitioner’s detention and custody. Respondent Todd Lyons is a legal custodian of Petitioner. He is named in his official capacity.
7. Respondent Devin Margolin is the director of Executive Office of Immigration Review (“EOIR”), the federal agency responsible for the Petitioner’s detention and custody. He is named in his official capacity.
8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”) and has authority over the operations of DHS. Respondent Kristi Noem is a legal

16. On November 4, 2025, Petitioner appeared before the honorable Immigration Judge custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States. She is named in her official capacity.
9. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States. She is named in her official capacity.
10. Respondent DHS is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.
11. Respondent ICE is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

STATEMENTS OF FACTS

12. Petitioner was apprehended on or about August 9, 2025, without having been admitted or paroled into the United States and has been detained pursuant to 8 U.S.C. § 1225(b).
13. On September 24, 2025, the Department of Homeland Security (“DHS”) filed and docketed a Notice to Appear with the Executive Office for Immigration Review (“EOIR”). Petitioner’s removal proceedings are pending before the Jena/LaSalle Immigration Court.
14. The Notice to Appear informed Petitioner that the DHS charged him under 212(a)(6)(A)(i) of the Immigration and Nationality Act and delineated him as an “alien present in the United States who has not been admitted or paroled,” in contrast to an “arriving alien.”
15. On September 5, 2025, the Board of Immigration Appeals issued a precedential decision in Matter of Yajure-Hurtado holding that immigration judges lack jurisdiction to conduct bond hearings or grant bond to individuals classified as “arriving aliens” under 8 U.S.C. § 1225(b).

16. On November 4, 2025, Petitioner appeared before the honorable Immigration Judge Richard Jacobs for a Bond Redetermination Request. Petitioner was denied a hearing under Yajure-Hurtado.¹

ARGUMENT

17. Pursuant to Yajure-Hurtado, Petitioner has been denied bond and is subject to indefinite detention without a meaningful custody review.
18. Petitioner's continued detention without a bond hearing violates constitutional due process guarantees under the Fifth Amendment and the Petitioner's Fourth Amendment protections against unreasonable seizures. The Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001), and Demore v. Kim, 538 U.S. 510 (2003), recognized limits on prolonged detention and the necessity of custody reviews.
19. Moreover, the statutory construction in Matter of Yajure-Hurtado deviates from established circuit precedent recognizing bond eligibility for arriving aliens and those subject to section 1225, including but not limited to cases such as Rodriguez v. Robbins, 715 F.3d 1127 (9th Cir. 2013), and Singh v. Holder, 638 F.3d 1196 (9th Cir. 2011), which permitted bond hearings.
20. Section 235(b)(2)(A) applies to applicants for admission at the time of arriving or being stopped at entry. It says they "shall be detained" pending proceedings.

¹The Board in Matter of Hurtado found that 'aliens who are present in the United States without admission are applicants for admission as defined under 235(b)(2)(A) of the INA, 8 U.S.C. Sec 1225(b)(2)(A), and must be detained for the duration of their removal proceedings.' Matter of Hurtado, 29 I&N Dec. 216, 220 (BIA 2025)."

21. Section 236(a), however, governs aliens already present in the U.S. awaiting a final removal decision, explicitly granting IJs discretion to set bond unless subject to mandatory detention under 236(c).
22. Reading § 235(b)(2)(A) as covering all interior arrests of aliens who enter without inspect (“EWIs”) renders § 236(a) superfluous for millions of people who entered without inspection, directly contradicting United States v. Menasche, 348 U.S. 528, 538–39 (1955) (statutory interpretation must give effect to every provision).
23. Courts, including the Ninth Circuit in Casas-Castrillon v. DHS, 535 F.3d 942 (9th Cir. 2008), have held that aliens no longer at the threshold of entry but residing in the U.S. are detained under § 236(a), not § 235.
24. In Jennings v. Rodriguez, 583 U.S. 281 (2018), the Supreme Court recognized § 1225(b) requires mandatory custody for certain categories but carefully distinguished between § 235 and § 236 custody frameworks. Jennings did not hold that all EWIs in the interior fall under § 235(b)(2)(A). Moreover, Jennings left open constitutional due process questions if prolonged mandatory detention occurs without bond.
25. In DHS v. Thuraissigiam, 591 U.S. 103 (2020), the Court emphasized that those apprehended near entry fell under expedited removal, but this case does not extend § 235(b)(2)(A) to long-residing EWIs with extensive ties like the Petitioner.
26. Matter of X-K-, 23 I&N Dec. 731 (BIA 2005) and Matter of Joseph, 22 I&N Dec. 660 (BIA 1999) both assume that most respondents arrested after some presence in the U.S. are detained under § 236 and are thus eligible for bond. The Board’s new ruling is a radical departure from past practice without a clear statutory mandate.

27. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Court imposed constitutional limits on indefinite detention, reading statutes to avoid serious due process problems. Extending § 235(b)(2)(A) to EWIs indefinitely raises the same constitutional concerns Zadvydas sought to avoid.
28. Prolonged mandatory detention without bond hearings creates substantial due process issues. Courts in several circuits (e.g., Rodriguez v. Robbins, 804 F.3d 1060 (9th Cir. 2015), vacated on other grounds) have recognized the constitutional necessity of bond hearings after prolonged detention.
29. The Board’s interpretation perversely treats EWIs who crossed unlawfully but remained undetected for years worse than removable aliens already admitted who get bond hearings under § 236. Courts may find this arbitrary.
30. EWIs apprehended in the interior should be treated under INA § 236(a), not § 235(b)(2)(A). Regulatory authority (8 C.F.R. §§ 1236.1, 1003.19) grants IJs jurisdiction over § 236 cases, consistent with decades of agency practice. Reading § 235(b)(2)(A) to cover any EWIs in perpetuity would undermine the critical statutory distinction between arriving aliens and aliens already inside the country—contrary to congressional intent and statutory structure.
31. 8 C.F.R. § 1236.1 authorizes IJs to review custody decisions under § 236. Historically, DHS and EOIR have treated EWIs apprehended after entry as detained under § 236.
32. The 1997 INS Interim Rule (62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)) explicitly stated that those “present without admission or parole” are eligible for bond and bond redetermination, despite being statutory “applicants for admission.” This longstanding administrative construction contradicts the Board’s new analysis.

33. IIRIRA did broaden the definition of “applicant for admission” but did not repeal discretionary bond authority under § 242(a)(1) (predecessor to § 236(a)).
34. House Judiciary Report (H.R. Rep. No. 104-469, pt. 1, at 229 (1996)) affirmed that § 236(a) “restates the current provisions... regarding the authority of the Attorney General to arrest, detain, and release on bond an alien who is not lawfully in the United States.” This demonstrates congressional intent to preserve bond authority for interior arrests of EWIs—directly opposite the Board’s interpretation.
35. Yajure-Hurtado effectively imposes blanket mandatory detention without possibility of bond, contrary to principles of fairness, the purpose of the INA, and public policy favoring humane treatment and prevention of unnecessary prolonged detention.
36. Mandatory detention of immigration violators classified as arriving aliens without bond hearings fosters prolonged detention in often harsh conditions, causing irreparable harm to individuals, families, and communities.
37. Bond hearings are a critical procedural safeguard to balance the government’s interest in immigration enforcement with individual liberty interests, ensuring detention is justified by an individualized determination of flight risk or danger.
38. The denial of bond hearings removes judicial oversight of custody decisions, increasing risk of arbitrary and indefinite detention.
39. The policy underlying Matter of Yajure-Hurtado harms family unity, burdens federal courts with habeas petitions, and undermines the integrity and fairness of the immigration system.

CONCLUSION

40. In conclusion, Petitioner’s continued detention as an “arriving alien” subject to mandatory

detention under 8 U.S.C. § 1225(b), as interpreted in Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), violates the clear intent of Congress and is unconstitutional. Petitioner respectfully requests that this Court order Respondents to show cause why the writ should not be granted “within three days unless for good cause additional time, not exceeding twenty days, is allowed,” and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody.

KLITH DEVILLE
Warden of Richwood Correctional Center
Richwood Correctional Center

Acting Director of ICE

DEVIN MARGOLIN
SOIR Director

KIRTI NOEM
Secretary of the DHS

PAVELA BONDI
Attorney General of the United States

Respectfully submitted,

Dated: November 18, 2025

/s/ Jason Javie

Jason Javie
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Petitioner: Luis Enrique Castro Peralta
A-Number: 
Detention Center: Richwood Correctional Center
Address: 180 Pine Bayou Circle, Richwood, LA 71202

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CERTIFICATE OF SERVICE

I, JASON JAVIE, certify that on this 18th day of November, 2025, I served Respondents in the foregoing matter with the Petitioner's MEMORANDUM OF LAW IN SUPPORT OF PETITION OF WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 by having same delivered via First Class Mail to:

BRIAN ACUNA
Field Office Director of ICE
New Orleans Field Office

KEITH DEVILLE
Warden of Richwood Correctional Center
Richwood Correctional Center

TODD LYONS
Acting Director of ICE

DEVIN MARGOLIN
EOIR Director

KRISTI NOEM
Secretary of the DHS

PAMELA BONDI
Attorney General of the United States

/s/ Jason Javie

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AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Board of Immigration Appeals located at 5201 Leesburg Pike Suite 2000, Falls Church, VA 22041

(b) Docket number, case number, or opinion number: Interim Decision #4125

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Abrogation of an Immigration Judge's jurisdiction to conduct and determine bonds, under Matter of Yajure-Hurtado, 29 I&N Dec. 2016 (BIA 2025).

(d) Date of the decision or action: 09/05/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: The reviewing court, the Board of Immigration Appeals, decided Matter of Yajure-Hurtado on September 5, 2025. This precedent renders it a certainty that the hearing will not be conducted, let alone that a bond determination will be heard on the merits.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Petitioner did not file a second appeal because Petitioner did not file a first appeal.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: Petitioner did not file a third appeal because Petitioner did not file a second appeal.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
 Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Petitioner's continued detention without a bond hearing as an "arriving alien" subject to mandatory detention under U.S.C. § 1225(b), as interpreted in Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), violates constitutional due process guarantees under the Fifth Amendment.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner entered without admission or parole, and subsequent to 9/5/2025, bond hearings are categorically denied due to Immigration Judges now lacking jurisdiction to hear these requests at insistence of DHS/ICE. Petitioner remains detained at Richwood Correctional Center in Richwood, LA to this day.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Petitioner's continued detention without a bond hearing as an "arriving alien" subject to mandatory detention under U.S.C. § 1225(b), as interpreted in Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), violates his Fourth Amendment protection against unreasonable seizure.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner entered without admission or parole, and subsequent to 9/5/2025, bond hearings are categorically denied due to Immigration Judges now lacking jurisdiction to hear these requests at insistence of DHS/ICE. Petitioner remains detained at Richwood Correctional Center in Richwood, LA to this day.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: The statutory construction promulgated in Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025) deviates from established circuit court precedent, valuable Supreme court dictum, and the clear intent of Congress

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner entered without admission or parole, and subsequent to 9/5/2025, bond hearings are categorically denied due to Immigration Judges now lacking jurisdiction to hear these requests at insistence of DHS/ICE. Petitioner remains detained at Richwood Correctional Center in Richwood, LA to this day.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: The continued detention of a high-population class of individuals in Petitioner's similar situation has led to a flagrant deficiency in sanitation, sustenance, crowd control, and prison conditions.

This is a violation of the prohibition of cruel and unusual punishment under the eight amendment of the U.S. Constitution.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The detention facility in question, like many around the country, is facing massive overcrowding issues. this has led to loosening of internal directives that prohibit isolation and mistreatment of detainees without proper means to appeal to an independent adjudicator.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: (1) Assume jurisdiction over this action; (2) Issue a writ of habeas corpus commanding Respondents to produce Petitioner before this Court; (3) Declare the Petitioner's indefinite detention without a bond hearing is unlawful and violates due process; (4) Order Respondents to release Petitioner on reasonable bond or parole, or, alternatively, to provide a meaningful bond hearing before an impartial adjudicator within a reasonable time; (5) Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, if applicable.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11-18-2025

Signature of Petitioner

s/Jason Javie

Signature of Attorney or other authorized person, if any