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6 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEW JERSEY

7
8 **DAVID HERNANDEZ**
MALDONADO,

9 Petitioner,

10 vs.

11 **TODD LYONS**, Acting Director,
12 Immigration and Customs
Enforcement, **KRISTI NOEM**,
13 Secretary of United States
Department of Homeland Security,
14 **RUBEN PEREZ**, Immigration and
15 Customs Enforcement, Newark
Field Office Director, **LUIS SOTO**,
16 Director, Delaney Hall Detention
17 Facility, **PAMELA BONDI**, United
States Attorney General,

18 Respondents.
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) **CASE NO.**
)
) **PETITION FOR WRIT OF HABEAS**
) **CORPUS UNDER 28 U.S.C. § 2241 AND**
) **COMPLAINT FOR INJUNCTIVE**
) **AND DECLARATORY RELIEF**

I. INTRODUCTION

1. Petitioner David Hernandez-Maldonado (“Mr. Hernandez”) or (“Petitioner”) is in the physical custody of Respondents at the Delaney Hall Detention Center. He faces unlawful detention because the Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review (“EOIR”) have wrongfully concluded he is subject to mandatory detention merely because he entered without inspection. *See* Exhibit A: Notice to Appear in Immigration Court.
2. Petitioner entered the United States without inspection, admission, or parole on or about the year 2000 as a minor. He has continuously resided in the U.S. since that single entry; he has fathered and raised three (3) U.S. citizen children with his long-term partner; and he has no criminal history.
3. On or about November 13, 2025, DHS Immigration and Customs Enforcement (“ICE”) apprehended Mr. Hernandez, processed him at their Newburgh, New York office, initiated removal proceedings before the EOIR, and transported him to the Delaney Hall Detention Facility in Newark, New Jersey. Petitioner is charged with being an alien in the United States who has not been admitted or paroled. *See* 8 U.S.C. § 1182(a)(6)(A)(i).
4. Based on this allegation in Petitioner’s removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

- 1 5. Similarly, on September 5, 2025, the Board of Immigration Appeals (“BIA or
2 Board”) issued a precedent decision, binding on all immigration judges, holding that
3 an immigration judge has no authority to consider bond requests for any person who
4 entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. &
5 N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to
6 detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on
7 bond.
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9 6. Petitioner’s detention on this basis violates the plain language of the Immigration and
10 Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner
11 who previously entered and are now residing in the United States. Instead, such
12 individuals are subject to a different statute, § 1226(a), that allows for release on
13 conditional parole or bond. That statute expressly applies to people who, like
14 Petitioner, are charged as inadmissible for having entered the United States without
15 admission or parole.
- 16 7. Respondents’ new legal interpretation is plainly contrary to the statutory framework
17 and contrary to decades of agency practice applying § 1226(a) to people like
18 Petitioner.
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20 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released on
21 his own recognizance or requiring a bond hearing within 7 days before an
22 Immigration Judge to make an individualized determination.
- 23 9. Petitioner further asks this Court to find that Respondents’ detention is arbitrary and
24 capricious and in violation of the law, and to immediately issue an order preventing
25 Petitioner’s transfer out of this district.

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JURISDICTION AND VENUE

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

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

12. Venue is proper in the District of New Jersey because Petitioner is currently detained at the Delaney Hall Detention Facility in Newark, New Jersey under color of the authority of the United States, in violation of the Constitution, laws or treaties thereof. 28 U.S.C. §§ 1391, 2241.

13. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner’s claims occurred in this District, where Petitioner is now in Respondent’s custody. 28 U.S.C. § 1391(e).

II. REQUIREMENTS OF 28 U.S.C. § 2243

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

Id.

15. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The
2 application for the writ usurps the attention and displaces the calendar of the judge or
3 justice who entertains it and receives prompt action from him within the four corners
4 of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
5 omitted).

6 **III. PARTIES**

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8 16. Petitioner David Hernandez Maldonado was detained by ERO on/about November
9 13, 2025. He continues to be in immigration custody at the Delaney Hall Detention
10 Center in Newark, New Jersey.

11 17. Respondent Todd Lyons is the Acting Director of Immigration and Customs
12 Enforcement. He is named in his official capacity.

13 18. Respondent Kristi Noem is the Secretary of Homeland Security and is Petitioner’s
14 ultimate legal custodian. She is sued in her official capacity.

15 19. Respondent Ruben Perez is the Field Office Director for Enforcement and Removal
16 Operations in ERO’s Newark Field Office. He is one of Petitioner’s legal custodians
17 and is sued in his official capacity.

18 20. Respondent Luis Soto is employed as the Director of the Delaney Hall Detention
19 Center, where Petitioner is detained. He has immediate physical custody of Petitioner.
20 He is sued in his official capacity.

21 21. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of
22 the Department of Justice. She is one of Petitioner’s legal custodians.

23 **IV. LEGAL FRAMEWORK**

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25 22. Immigration detention should not be used as a punishment and should only be used
when, under an individualized determination, a noncitizen is a flight risk because they

1 are unlikely to appear for immigration court or a danger to the community. *Zadvydas*
2 *v. Davis*, 533 U.S. 678, 690 (2001).

3 23. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth
4 Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

5 24. The Immigration and Nationality Act (“INA”) establishes various procedures through
6 which individuals may be detained pending a decision on whether the noncitizen is to
7 be removed. 8 U.S.C. § 1226(a).

8 25. Removal proceedings described in section 240 of the INA are used to determine
9 whether individuals, such as Petitioner, should be removed from the United States.
10 *See* 8 U.S.C. § 1229a.

11 26. Immigration detention is a form of civil confinement that “constitutes a significant
12 deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441
13 U.S. 418, 4253 (1979).

14 27. Custody determinations for individuals in 1229a removal proceedings are governed
15 by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not
16 present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533
17 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

18 28. Custody determinations under § 1226(a) are individualized and based on the facts
19 presented in those cases. Unlike § 1226(c), which can provide for categorical
20 determinations for detention regardless of flight risk or safety risks, § 1226(a)
21 requires a case-by-case review of the facts and circumstances.

22 29. Once a determination to release an individual from custody is made, the release order
23 may be revisited when the facts or circumstances warrant revocation or
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1 reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the
2 Attorney General may take that individual back into custody by revoking the
3 individual's release when the facts and circumstances warrant it.

4 30. Revocation and return to custody is authorized only based on individualized facts and
5 circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are
6 limited in nature and may only be made by certain authorized officials. 8 C.F.R. §
7 1236.1(c)(9).

8 31. The INA prescribes three basic forms of detention for the vast majority of noncitizens
9 in removal proceedings.

10 32. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
11 proceedings before an IJ. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are
12 generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§
13 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or
14 convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. §
15 1226(c).

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

19 34. Last, the INA also provides for detention of noncitizens who have been ordered
20 removed, including individuals in withholding-only proceedings, see 8 U.S.C. §
21 1231(a)-(b).

22 35. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
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1 36. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
2 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,
3 Pub. L. No. 104—208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–
4 583, 3009–585. Section 1226(a) was most recently amended earlier this year by the
5 Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

6 37. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
7 that, in general, people who entered the country without inspection were not
8 considered detained under § 1225 and that they were instead detained under §
9 1226(a). See Inspection and Expedited Removal of Aliens; Detention and Removal of
10 Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312,
11 10323 (Mar. 6, 1997).

12 38. Thus, in the decades that followed, most people who entered without inspection and
13 were placed in standard removal proceedings received bond hearings, unless their
14 criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That
15 practice was consistent with many more decades of prior practice, in which
16 noncitizens who were not deemed “arriving” were entitled to a custody hearing before
17 an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No.
18 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention
19 authority previously found at § 1252(a)).

20 39. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
21 rejected well-established understanding of the statutory framework and reversed
22 decades of practice.
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1 40. The new policy, entitled “Interim Guidance Regarding Detention Authority for
2 Applicants for Admission,”¹ claims that all persons who entered the United States
3 without inspection shall now be subject to mandatory detention provision under §
4 1225(b)(2)(A). See Ex. 1. The policy applies regardless of when a person is
5 apprehended, and affects those who have resided in the United States for months,
6 years, and even decades.

7 41. On September 5, 2025, the Board adopted this same position in a published decision,
8 *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
9 United States without admission or parole are subject to detention under §
10 1225(b)(2)(A) and are ineligible for IJ bond hearings.

11 42. Since Respondents adopted their new policies, dozens of federal courts have rejected
12 their new interpretation of the INA’s detention authorities. Courts have likewise
13 rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as
14 ICE.

15 43. Even before ICE or the Board introduced these nationwide policies, IJs in the
16 Tacoma, Washington, immigration court stopped providing bond hearings for persons
17 who entered the United States without inspection and who have since resided here.
18 There, the U.S. District Court in the Western District of Washington found that such a
19 reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to
20 noncitizens who are not apprehended upon arrival to the *United States*. *Rodriguez*
21 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).
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¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 44. Subsequently, court after court adopted the same reading of the INA's detention
2 authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*,
3 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez*
4 *v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass.
5 July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL
6 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-
7 02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez*
8 *v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025);
9 *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn.
10 Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx),
11 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM,
12 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373
13 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No.
14 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v.*
15 *Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak*
16 *v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27,
17 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025
18 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-
19 12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia*
20 *v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025);
21 *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530
22 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL
23 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK,
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1 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No.
2 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he
3 Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention);
4 *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb.
5 Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL
6 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

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8 45. Just two days ago, Judge Paul S. Diamond of the Eastern District of Pennsylvania
9 noted that of the 288 district court decisions addressing whether all non-citizens
10 unlawfully present in the U.S. are subject to mandatory detention, all but six rejected
11 the Government’s interpretation of the INA. *Demirel v. Federal Detention Center*
12 *Philadelphia*, Civil No. 2:25-cv-05488-PD, 2025 WL (E.D. Pa Nov. 18, 2025)
13 (Memorandum and Appendix attached).

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

18 47. Section 1226(a) applies by default to all persons “pending a decision on whether the
19 [noncitizen] is to be removed from the United States.” These removal hearings are
20 held under § 1229a, to “decid[e] the inadmissibility or deportability of a[]
21 [noncitizen].”
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23 48. The text of § 1226 also explicitly applies to people charged as being inadmissible,
24 including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E).
25 Subparagraph (E)’s reference to such people makes clear that, by default, such people

1 are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court
2 explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability,
3 it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez*
4 *Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v.*
5 *Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); see also Gomes, 2025 WL 1869299, at
6 *7.

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8 49. Section 1226 therefore leaves no doubt that it applies to people who face charges of
9 being inadmissible to the United States, including those who are present without
10 admission or parole.

11 50. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
12 recently entered the United States. The statute’s entire framework is premised on
13 inspections at the border of people who are “seeking admission” to the United States.
14 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this
15 mandatory detention scheme applies “at the Nation’s borders and ports of entry,
16 where the Government must determine whether a[] [noncitizen] seeking to enter the
17 country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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20 **V. FACTS**

21 51. Petitioner entered the United States without inspection, admission or parole around
22 the year 2000, when he was about 14 years old. He has since continuously resided in
23 the United States.

24 52. On or about November 13, 2025, DHS Immigration and Customs Enforcement
25 (“ICE”) apprehended Mr. Hernandez, processed him at their Newburgh, New York

1 office, initiated removal proceedings before the EOIR, and transported him to the
2 Delaney Hall Detention Facility in Newark, New Jersey. Petitioner is charged with
3 being an alien in the United States who has not been admitted or paroled. *See* 8
4 U.S.C. § 1182(a)(6)(A)(i).

5 53. Petitioner has been in a committed relationship with Ms. Dalia Cruz Lopez for about
6 16 years. Three U.S. citizen children were born of this relationship: they are 14-, 12-,
7 and 8-years-old.

8 54. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
9 Petitioner's bond request.

10 55. As a result, Petitioner is detained and will remain in detention. Without relief from
11 this court, he faces the prospect of months, or even years, in immigration custody,
12 separated from his children, the mother of his children, and larger community.

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14 **VI. CLAIMS FOR RELIEF**

15 **COUNT ONE**

16 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Abuse of Discretion**
17 **Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

18 56. Petitioner restates and realleges all paragraphs as if fully set forth here.

19 57. Under the APA, a court shall “hold unlawful and set aside agency action” that is an
20 abuse of discretion. 5 U.S.C. § 706(2)(A).

21 58. An action is an abuse of discretion if the agency “entirely failed to consider an
22 important aspect of the problem, offered an explanation for its decision that runs
23 counter to the evidence before the agency, or is so implausible that it could not be
24 ascribed to a difference in view or the product of agency expertise.” *Nat'l Ass'n of*
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1 *Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
2 *Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

3 59. To survive an APA challenge, the agency must articulate “a satisfactory explanation”
4 for its action, “including a rational connection between the facts found and the choice
5 made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

6 60. By categorically detaining Petitioner without consideration of his individualized facts
7 and circumstances, Respondents have violated the APA.

8 **COUNT TWO**

9 **Violation of Fifth Amendment Right to Due Process Procedural Due Process**

10 61. Petitioner restates and realleges all paragraphs as if fully set forth here.

11 62. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits
12 the federal government from depriving any person of “life, liberty, or property,
13 without due process of law.” U.S. Const. Amend. V. Due process protects “all
14 ‘persons’ within the United States, including [non-citizens], whether their presence
15 here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693;
16 *accord Flores*, 507 U.S. at 306.

17 63. Due process requires that government action be rational and non-arbitrary. *See*
18 *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

19 64. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a)
20 and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not
21 “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533
22 U.S. at 698.
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1 65. Here, Respondents have chosen to detain Petitioner in an arbitrary manner and not
2 based on a rational and individualized determination of whether he is a safety or flight
3 risk, in violation of due process. Because no individualized custody determination has
4 been made and no circumstances have changed to make Petitioner a flight risk or a
5 danger to the community, Respondents' detention of Petitioner violates his right to
6 procedural due process.
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8 **COUNT THREE**
9 **Violation of the INA**

10 66. Petitioner incorporates by reference the allegations of fact set forth in the preceding
11 paragraphs.

12 67. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
13 noncitizens residing in the United States who are subject to the grounds of
14 inadmissibility. As relevant here, it does not apply to those who previously entered
15 the country and have been residing in the United States prior to being apprehended
16 and placed in removal proceedings by Respondents. Such noncitizens are detained
17 under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

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

21 **COUNT FIVE**
22 **Violation of Due Process**

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

25 70. The government may not deprive a person of life, liberty, or property without due
process of law. U.S. Const. amend. V. "Freedom from imprisonment—from

1 government custody, detention, or other forms of physical restraint—lies at the heart
2 of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

3 71. Petitioner has a fundamental interest in liberty and being free from official restraint.

4 72. The government’s detention of Petitioner without a bond redetermination hearing to
5 determine whether he is a flight risk or danger to others violates his right to due
6 process.
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10 **VII. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff respectfully requests the Court to:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Order that Petitioner shall not be transferred outside of New Jersey while
14 this habeas petition is pending;
- 15 c. Issue an Order to Show Cause ordering Respondents to show cause why
16 this Petition should not be granted within three days;
- 17 d. Declare that Petitioner’s detention without an individualized determination
18 violates the Due Process Clause of the Fifth Amendment;
- 19 e. Issue a Writ of Habeas Corpus requiring that Respondents release
20 Petitioner and that Petitioner shall not be re-detained without approval of
21 this Court or evidence of violating the conditions of release;
- 22 f. Declare that Petitioner’s detention is unlawful;
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- 1 g. Award Petitioner attorney’s fees and costs under the Equal Access to
- 2 Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other
- 3 basis justified under law; and
- 4 h. Grant any other and further relief that this Court deems just and proper.

5 Respectfully submitted,

6
7 Date: November 20, 2025

/s/ Eric M. Mark

8 Eric M. Mark, Esq.
9 Attorney for Petitioner

PROOF OF SERVICE

I, the undersigned, declare that my office is in Newark, New Jersey. I am over the age of eighteen (18) years and not a party to the action within. My business address is 96 Summer Ave Newark, NJ 07104. On November 11, 2025, I served the following documents: **PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF** by placing a true and correct copy in a sealed envelope, each addressed as follows:

Kristi Noem
U.S. Department of Homeland Security
9707 Martin Luther King Jr Ave SE
Washington, D.C. 20528

Todd Lyons
U.S. Immigration and Customs Enforcement is:
500 12th Street SW
Washington, DC 20536

Ruben Perez
Enforcement and Removal Operations
Newark Field Office
970 Broad St. 11th Floor
Newark, NJ 07102

Luis Soto
Delaney Hall Detention Facility
451 Doremus Avenue
Newark, New Jersey 07105

Pamela Bondi
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Civil Process Clerk
U.S. Attorney's Office
970 Broad Street, 7th Floor
Newark, NJ 07102

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: DAVID HERNANDEZ MALDONADO AKA: MALDONADO See Continuation Page Made a Part Hereof currently residing at:

[REDACTED]

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near an unknown place, on or about an unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the *See Continuation Page*

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

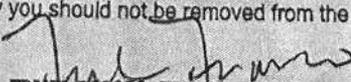
- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration judge of the United States Department of Justice at:

201 VARICK ST, 5TH FL RM 507 NEW YORK, NEW YORK 10014.

(Complete Address of Immigration Court, Including Room Number, if any)

on November 24, 2025 at 8:30 am to show why you should not be removed from the United States based on the charge(s) set forth above.


FRANK 001078 FRANCO - SDDO
(Signature and Title of Issuing Officer)

Date: November 13, 2025

Newburgh, NY
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the Immigration Judge. You will be advised by the Immigration Judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the Immigration Judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and Information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration Judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/aro>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

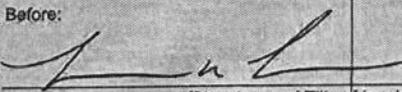
U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1357.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an Immigration Judge and request my hearing be scheduled.

Before:

 D.O.
(Signature and Title of Immigration Officer)


(Signature of Respondent)

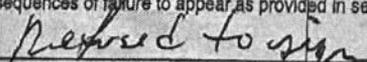
Date: 11-13-2025

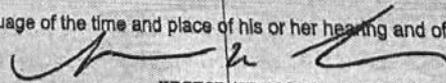
Certificate of Service

This Notice To Appear was served on the respondent by me on November 13, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.


(Signature of Respondent if Personally Served)


HECTOR (HRT8293) TAVAREZ -
Deportation Officer
(Signature and Title of officer)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARRIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Alien's Name HERNANDEZ MALDONADO, DAVID	File Number [REDACTED] Event No: [REDACTED]	Date 11/13/2025
ALSO KNOWN AS		
HERNANDEZ, DAVID		
THE SERVICE ALLEGES THAT YOU:		
Immigration and Nationality Act; and/or		
6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.		
ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:		
212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.		
212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		

Signature K D01078 FRANCO <i>Frank Franco</i>	Title SDDO
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EXHIBIT B

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

ARIF DEMIREL, :
Petitioner, :
 :
v. : Civ. No. 25-5488
 :
FEDERAL DETENTION CENTER :
PHILADELPHIA, *et al.*, :
Defendants. :

Diamond, J.

November 18, 2025

MEMORANDUM

Habeas Petitioner Arif Demirel—an “undocumented immigrant”—seeks release from detention, alleging violations of the Immigration and Nationality Act, the Administrative Procedure Act, and due process. See 28 U.S.C. § 2241. (Doc. No. 1.) The Government argues that under the INA, all non-citizens in this county illegally are subject to mandatory detention. See 8 U.S.C. § 1225. (Doc. No. 8.) I agree with Petitioner that the Government has misread the INA, and that Demirel is entitled to a bond hearing before an Immigration Judge. See 8 U.S.C. § 1226.

Although there is no apposite appellate authority, there are 288 district court decisions addressing this issue. In all but six, the Government’s interpretation of the INA—the same interpretation it urges here—was rejected. I have set out all 288 decisions in the Appendix to this Memorandum. I agree with the reasoning in the 282 decisions—including two authored by members of this Court. See Cantu-Cortes v. O’Neill, No. 25-6338, 2025 WL 317639 (E.D. Pa. Nov. 13, 2025); Kashranov v. Jamison, No. 25-5555, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025).

In light of my ruling that Demirel is entitled to a bond hearing under the INA, I will not address his APA and due process claims.

II. LEGAL STANDARDS

I may grant habeas relief to any person “in custody in violation of the Constitution or laws or treaties of the United States.” 8 U.S.C. § 2241(c)(3). “Habeas is a core remedy for unlawful executive detention” that is “regularly invoked on behalf of noncitizens.” Munaf v. Geren, 553 U.S. 674, 693 (2008); INS v. St. Cyr, 533 U.S. 289, 301 (2001).

Although immigration courts may offer helpful guidance on matters like this one, I must exercise “independent judgment.” Loper Bright Enters. v. Raimondo, 603 U.S. 369, 385–86, 388 (quoting Skidmore v. Swift & Co., 323 U.S. 134, 139–40 (1944)).

III. RESPONDENTS

“The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is ‘the person who has custody over [the petitioner].’” Rumsfeld v. Padilla, 542 U.S. 426, 434 (2004) (quoting 28 U.S.C. § 2242). See also 28 U.S.C. § 2243 (“The writ . . . shall be directed to the person having custody of the person detained.”) Accordingly, “in habeas challenges to present physical confinement—‘core challenges’—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” Padilla, 542 U.S. at 435.

Here, named Respondents are: the Warden of FDC Philadelphia (Jamal Jamison), the Acting Director of the ICE Philadelphia Field Office (Brian McShane), the Acting Director of ICE (Todd Lyons), and the Secretary of Homeland Security (Kristi Noem). (Doc. No. 1.) Because Mr. McShane has the authority to effectuate Demirel’s release, he is a proper Respondent. See Corona Diaz v. Olson, No. 25-12141, 2025 WL 3022170, at *1 (N.D. Ill. Oct. 29, 2025). As Mr. Jamison is no longer Demirel’s custodian, and Mr. Lyons and Ms. Noem are “remote supervisory official[s],” I will dismiss them as Respondents. See Padilla, 542 U.S. at 435.

IV. JURISDICTION

The Government argues that I must dismiss for want of jurisdiction. (Doc. No. 8 at 9–14 (citing 8 U.S.C. §§ 1252(b)(9), 1252(g), and 1252(a)(2)(B)(ii)).) I disagree.

A. Section 1252(b)(9)

This statute provides that: legal claims “arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section.” 8 U.S.C. §§ 1252(b)(9). Those claims must be filed “with an appropriate court of appeals.” § 1252(a)(2)(D). The Government urges that because Demirel’s claims “arise from” the commencement of removal proceedings, they are barred by § 1252(b)(9). (Doc. No. at 11–14.)

Yet, § 1252(b)(9) “does not reach ‘claims that are independent of, or wholly collateral to, the removal process.’” E.O.H.C. v. Sec’y United States Dep’t of Homeland Sec., 950 F.3d 177, 186 (3d Cir. 2020) (quoting Aguilar v. U.S. Immigr. & Customs Enf’t Div. of Dep’t of Homeland Sec., 510 F.3d 1, 11 (1st Cir. 2007)). The Supreme Court has defined “removal process” with respect to those undocumented immigrants who seek to be heard on their continuing detention:

[Habeas Petitioners] are not challenging the decision to detain them in the first place or to seek removal; and they are not even challenging any part of the process by which their removability will be determined. Under these circumstances, § 1252(b)(9) does not present a jurisdictional bar.

Jennings v. Rodriguez, 583 U.S. 281, 294–95 (2018).

Demirel challenges the denial of a bond hearing, which regulations of the Executive Office for Immigration Review provide is “independent of” and “collateral to” the removal process. E.O.H.C., 950 F.3d at 186. See 8 C.F.R. § 1003.19(d) (“Consideration by the Immigration Judge of an application or request of a respondent regarding custody or bond under this section shall be

separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding.”) (See Doc. No. 1.)

Moreover, § 1252(b)(9) “does not strip jurisdiction when aliens seek relief that courts cannot meaningfully provide alongside review of a final order of removal.” E.O.H.C., 950 F.3d at 186; id. at 180 (“If ‘later’ is not an option, review is available now.”) Later is not an option here, because the Court of Appeals could not “meaningfully” redress Demirel’s purportedly unlawful denial of release on bond should his final removal be ordered.

Accordingly, § 1252(b)(9) does not bar this Court’s review of the decision to refuse Demirel a bond hearing. See E.O.H.C., 950 F.3d at 180.

B. Section 1252(g)

This statute provides that: “no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to [1] commence proceedings, [2] adjudicate cases, or [3] execute removal orders against any alien under this chapter.” 8 U.S.C. § 1252(g). “[T]he provision applies only to [these] three discrete actions.” Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999). Section 1252(g) is thus even “narrower” than § 1252(b)(9) and should not be read as a “general jurisdictional limitation.” Reno, 583 U.S. at 487; Dep’t of Homeland Sec. v. Regents of the Univ. of California, 591 U.S. 1, 19 (2020).

Again, Demirel seeks a bond hearing; he does not challenge the commencement, adjudication, or execution of his removal (which may not even occur). (See Doc. No. 1.) The Government’s contention that his claims “arise from” the commencement of removal proceedings is thus incorrect. See Reno, 525 U.S. 471, 482; Jennings, 583 U.S. at 294; Tazu v. Att’y Gen. United States, 975 F.3d 292, 296 (3d Cir. 2020). (Doc. No. 8 at 9–11.) See also Mohammed H. v.

Trump, No. 25-1576, — F. Supp. 3d —, —, 2025 WL 1692739, at *2 (D. Minn. June 7, 2025) (no jurisdictional bar when the petitioner “is not seeking to pause or end his removal proceedings”).

Accordingly, Section 1252(b)(9) does not bar this Court’s review.

C. Section 1252(a)(2)(B)(ii)

This statute provides that: “no court shall have jurisdiction to review any other decision or action of the Attorney General or Secretary of Homeland Security the authority for which specified under to be in the discretion of the Attorney General or the Secretary of Homeland Security.” 8 U.S.C. § 1252(a)(2)(B)(ii).

The Government thus argues that “courts may not entertain a challenge to a discretionary decision under the INA.” (Doc. No. 8 at 14.) Yet, the Government’s statutory detention power is “not a matter of discretion.” Zadvydas v. Davis, 533 U.S. 678, 688 (2001). See also Mirzoev v. Olson, No. 25-12969, 2025 WL 3101969, at *2 (N.D. Ill. Nov. 6, 2025) (same).

Section 1252(a)(2)(B)(ii) thus also does not apply here.

V. EXHAUSTION

The Government also argues that I must dismiss Demirel’s claims because Demirel has failed to raise them first before an IJ and the Board of Immigration Appeals. (Doc. No. 8 at 14–16.) Again, I disagree.

Although habeas petitioners are “ordinarily required to exhaust their administrative remedies,” they “need not exhaust administrative remedies where the issue presented involves only statutory construction.” Moscato v. Fed. Bureau of Prisons, 98 F.3d 757, 760 (3d Cir. 1996); Vasquez v. Strada, 684 F.3d 431, 433–34 (3d Cir. 2012) (citing Bradshaw v. Carlson, 682 F.2d 1050, 1052 (3d Cir. 1981)). As I discuss below, Demirel’s claims turn on how INA Sections 235

and 236 are construed. See del Cid v. Bondi, No. 25-304, 2025 WL 2985150, at *13 (W.D. Pa. Oct. 23, 2025). Exhaustion is thus not required.

Exhaustion “is likewise not required when it would be futile.” del Cid, 2025 WL 2985150, at *13 (citing Rose v. Lundy, 455 U.S. 509, 516 n.7 (1982)). In Yajure Hurtado, the Bureau of Immigration Appeals, construing Sections 235 and 236, held that IJs “lack authority to hear bond requests or to grant bond to aliens . . . who are present in the United States without admission.” 29 I. & N. Dec. at 225. As the Government acknowledges, “this is the law of the land in immigration court today.” (Doc. No. 8 at 21 n.2.) Because the BIA has “predetermined the statutory issue,” Demirel has “no reasonable prospect of obtaining relief” through administrative remedies. Corona Diaz, 2025 WL 3022170, at *3 (citing Gonzalez v. O’Connell, 355 F.3d 1010, 1018–19 (7th Cir. 2004)); del Cid, 2025 WL 2985150, at *13. Again, exhaustion is not required.

Accordingly, I will not dismiss for failure to exhaust.

VI. LEGAL BASIS FOR DETENTION

The gravamen of this dispute is whether Demirel’s detention is mandatory under INA § 235(b) (8 U.S.C. § 1225(b)) or discretionary under § 236(a) (8 U.S.C. § 1226(a)). “The vast majority of courts confronting this precise issue have rejected [the Government’s] interpretation, and the BIA’s interpretation in Hurtado, as contradictory to the plain text of § 1225.” Ayala Amaya v. Bondi, No. 25-16429, 2025 WL 3033880, at *2 (D.N.J. Oct. 30, 2025) (collecting cases). Once again, of the 288 district court decisions to address the issue, 282 have determined that § 1226(a) applies or likely applies in situations similar to those presented here. See Appendix. Those decisions are plainly correct.

Section 1225(b) 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

have meaning.”). Yet, that is what the Government asks me to do. Further, if all aliens here illegally are already subject to mandatory detention under § 1225(b), then the Laken Riley Act’s recent expansion of mandatory detention under § 1226(c)(1)(E) would also be beside the point. See Pub. L. No. 119-1, 139 Stat. 3 (2025). Once again, I am not prepared to render an Act of Congress superfluous. Stone v. I.N.S., 514 U.S. 386, 397 (1995) (“When Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect.”).

The Government nonetheless argues that §§ 1225(b) and 1226(a) simply “overlap and are not mutually exclusive.” (Doc. No. 8 at 22 (citing Vargas Lopez v. Trump, No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025).) Yet, as the AG very recently recognized, “section [1225] (under which detention is mandatory) and section [1226] (under which detention is permissive) can be reconciled only if they apply to different classes of aliens.” Romero v. Hyde, No. 25-11631, — F. Supp. 3d —, —, 2025 WL 2403827, at *11 (D. Mass. Aug. 19, 2025) (quoting Matter of M-S-, 27 I. & N. Dec. 509, 516 (Att’y Gen. 2019). Moreover, only three months ago, the Government did not dispute that these provisions are mutually exclusive. Lopez Benitez v. Francis, No. 25-5937, — F. Supp. 3d —, —, 2025 WL 2371588, at *3 (S.D.N.Y. Aug. 13, 2025). It is thus difficult to credit the Government’s squarely contradictory position here.

In these circumstances, the law is clear: the Government detained Demirel pursuant to § 1226(a), which allows him to seek bond a hearing before an IJ.

VII. RELIEF

I will refrain at this time from ordering Demirel’s immediate release. Rather, I will order Mr. McShane (the remaining Respondent) to afford Demirel the procedural protections that § 1226(a) provides: a bond hearing before an IJ and an appeal to the BIA should the IJ deny bond. See 8 C.F.R. § 1236.1(d)(1).

VIII. CONCLUSION

Pursuant to 8 U.S.C § 1226(a), I will grant Demirel's Petition to the extent that he seeks an Order requiring a bond hearing before an Immigration Judge and an appeal to the Bureau of Immigration Appeals. In light of my decision, I will not also address Demirel's APA and due process contentions.

An appropriate Order follows.

BY THE COURT.

/s/ Paul S. Diamond

PAUL S. DIAMOND, J.

APPENDIX

FIRST CIRCUIT

District of Maine

1. Chogllo Chafla v. Scott, No. 25-00437, 2025 WL 2688541 (D. Me. Sept. 22, 2025)
2. Chang Barrios v. Shepley, No. 25-00406, 2025 WL 2772579 (D. Me. Sept. 29, 2025)
3. Chiliquinga Yumbillo v. Stamper, No. 25-00479, 2025 WL 2783642 (D. Me. Sept. 30, 2025)
4. Aguilar Guerra v. Joyce, No. 25-00534, 2025 WL 2999042 (D. Me. Oct. 24, 2025)
5. Petion v. Hyde, No. 25-00535, 2025 WL 3072567 (D. Me. Nov. 3, 2025)

District of Massachusetts

6. Gomes v. Hyde, No. 25-11571, 2025 WL 1869299 (D. Mass. July 7, 2025)
7. Martinez v. Hyde, No. 25-11613, — F. Supp. 3d —, 2025 WL 2084238 (D. Mass. July 24, 2025)
8. dos Santos v. Lyons, No. 25-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025)
9. Romero v. Hyde, No. 25-11631, — F. Supp. 3d —, 2025 WL 2403827 (D. Mass. Aug. 19, 2025)
10. Diaz Diaz v. Mattivelo, No. 25-12226, 2025 WL 2457610 (D. Mass. Aug. 27, 2025)
11. Doe v. Moniz, No. 25-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025)

12. Encarnacion v. Moniz, No. 25-12237, Doc. No. 5 (D. Mass. Sept. 5, 2025)
13. Sampiao v. Hyde, No. 25-11981, 2025 WL 2607924 (D. Mass. Sept. 9, 2025)
14. Hilario Rodriguez v. Moniz, No. 12-12358, Doc. No. 22 (D. Mass. Sept. 18, 2025)
15. Locon Cordero v. Hyde, No. 25-12802, Doc. No. 15 (D. Mass. Sept. 28, 2025)
16. Inlago Tocagon v. Moniz, No. 25-12453, — F. Supp. 3d —, 2025 WL 2778023 (D. Mass. Sept. 29, 2025)
17. Romero-Nolasco v. McDonald, No. 25-12492, 2025 WL 2778036 (D. Mass. Sept. 29, 2025)
18. Romero-Nolasco v. McDonald, No. 25-12584, Doc. No. 9 (D. Mass. Oct. 2, 2025)
19. Elias Escobar v. Hyde, No. 25-12620, 2025 WL 2823324 (D. Mass. Oct. 3, 2025)
20. Guerrero Orellana v. Moniz, No. 25-12664, — F. Supp. 3d —, 2025 WL 2809996 (D. Mass. Oct. 3, 2025)
21. Pereira de Souza v. Hyde, No. 25-12532, Doc. No. 13 (D. Mass. Oct. 6, 2025)
22. de Andrade v. Moniz, No. 25-12455, 2025 WL 2841844 (D. Mass. Oct. 7, 2025)

23. de Los Reyes Gonzalez v. McDonald, No. 25-12644, Doc. No. 10 (D. Mass. Oct. 9, 2025)
24. Landaverde v. Hyde, No. 25-12552, Doc. No. 16 (D. Mass. Oct. 10, 2025)
25. Pineda-Chavez v. Hyde, No. 25-12932, Doc. No. 9 (D. Mass. Oct. 16, 2025)
26. Garcia Guaman v. Hyde, No. 25-12879, Doc. No. 7 (D. Mass. Oct. 17, 2025)
27. Nogueira da Silva v. Hyde, No. 25-12931, Doc. No. 10 (D. Mass. Oct. 17, 2025)
28. Lema Zamora v. Noem, No. 25-12750, 2025 WL 2958879 (D. Mass. Oct. 17, 2025)
29. Custodio de Souza v. Muniz, No. 25-12636, Doc. No. 14 (D. Mass. Oct. 18, 2025)
30. Hercules Acosta v. Hyde, No. 25-13011, Doc. No. 10 (D. Mass. Oct. 20, 2025)
31. Monzon v. Hyde, No. 25-12594, Doc. No. 15 (D. Mass. Oct. 20, 2025)
32. da Silva v. Bondi, No. 25-12672, 2025 WL 2969163 (D. Mass. Oct. 21, 2025)
33. Coelho Gomes v. Moniz, No. 25-13021, Doc. No. 8 (D. Mass. Oct. 22, 2025)
34. Cortez Rivera v. Hyde, No. 25-12390, 2025 WL 2977900 (D. Mass. Oct. 22, 2025)
35. Moreira Aguiar v. Moniz, No. 25-12706, 2025 WL 2987656 (D. Mass. Oct. 22, 2025)
36. Maza Maza v. Hyde, No. 25-13013, Doc. No. 8 (D. Mass. Oct. 23, 2025)
37. Cesario Souza v. Hyde, No. 25-12461, 2025 WL 2997670 (D. Mass. Oct. 24, 2025)
38. Chavez Castillo v. Moniz, No. 25-13091, Doc. No. 8 (D. Mass. Oct. 27, 2025)
39. de Moura v. Moniz, No. 25-13058, Doc. No. 10 (D. Mass. Oct. 27, 2025)
40. Mejia Arias v. Moniz, No. 25-13019, Doc. No. 8 (D. Mass. Oct. 27, 2025)
41. Zolakio v. Hyde, No. 25-13040, Doc. No. 8 (D. Mass. Oct. 28, 2025)
42. Ramirez Ramirez v. Moniz, No. 25-13048, Doc. No. 23 (D. Mass. Oct. 29, 2025)
43. Gamez Martinez v. Moniz, No. 25-13008, Doc. No. 8 (D. Mass. Oct. 30, 2025)
44. Zavala Rivera v. McDonald, No. 25-13070, Doc. No. 8 (D. Mass. Nov. 3, 2025)
45. de Souza Filho v. Hyde, No. 25-13207, Doc. No. 8 (D. Mass. Oct. 30, 2025)
46. Orrego Marin v. Moniz, No. 25-13032, Doc. No. 9 (D. Mass. Nov. 4, 2025)
47. Portillo Martinez, No. 25-11909, 2025 WL 3152847 (D. Mass. Nov. 12, 2025)

48. Anselmo v. Moniz, No. 25-13309, 2025 WL 3171137 (D. Mass. Nov. 13, 2025)

49. Caguana-Caguana v. Moniz, No. 25-13142, 2025 WL 3171043 (D. Mass. Nov. 13, 2025)

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50. Jimenez v. FCI Berlin, Warden, No. 25-00326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025)

51. Malan Quizhpi v. Brackett, No. 25-389, Doc. No. 2 (D.N.H. Oct. 9, 2025)

52. Lamidi v. FCI Berlin, Warden, No. 25-00297, Doc. No. 14 (D.N.H. Sept. 15, 2025)

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53. Rodriguez v. Bondi, No. 25-406, 2025 WL 2899769 (D.R.I. Oct. 10, 2025)

54. Tomas Elias v. Hyde, No. 25-540, 2025 WL 3004437 (D.R.I. Oct. 27, 2025)

55. Astudillo v. Hyde, No. 25-551, 2025 WL 3035083 (D.R.I. Oct. 30, 2025)

56. Herrera Martinez v. Hyde, No. 25-575, 2025 WL 3124025 (D.R.I. Nov. 7, 2025)

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57. J.U. v. Maldonado, No. 25-04836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025)

58. Artiga v. Genalo, No. 25-5208, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025)

59. Hyppolite v. Noem, No. 25-4304, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025)

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60. Lopez Benitez v. Francis, No. 25-5937, — F. Supp. 3d —, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025)

61. Samb v. Joyce, No. 25-6373, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025)

62. Gonzalez v. Joyce, No. 25-8250, 2025 WL 2961626 (S.D.N.Y. Oct. 19, 2025)

63. Romero Perez v. Francis, No. 25-8112, 2025 WL 3110459 (S.D.N.Y. Nov. 6, 2025)

64. Rueda Torres v. Francis, No. 25-8408, 2025 WL 3168759 (S.D.N.Y. Nov. 13, 2025)

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65. Barbosa da Cunha v. Moniz, No. 25-06532, Doc. No. 25 (W.D.N.Y. Oct. 20, 2025)

66. Alvarez Ortiz v. Freden, No. 25-960, — F. Supp. 3d —, 2025 WL 3085032 (W.D.N.Y. Nov. 4, 2025)

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67. Zumba v. Bondi, No. 25-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025)

- 68. Castillo v. Lyons, No. 25-16219, 2025 WL 2940990 (D.N.J. Oct. 10, 2025)
- 69. Buestan v. Chu, 2025 WL 2972252 (D.N.J. Oct. 21, 2025)
- 70. Bethancourt Soto v. Soto, No. 25-16200, — F. Supp. 3d —, 2025 WL 2976572 (D.N.J. Oct. 22, 2025)
- 71. Contreras Maldonado v. Cabezas, No. 25-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025)
- 72. Lomeu v. Soto, No. 25-16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025)
- 73. Contreras Amaya v. Bondi, No. 25-16742, Doc. No. 7 (D.N.J. Oct. 26, 2025)
- 74. Patel v. Almodovar, No. 25-15345, 2025 WL 3012323 (D.N.J. Oct. 28, 2025)
- 75. Alaya Amaya v. Bondi, No. 25-16428, 2025 WL 3033880 (D.N.J. Oct. 30, 2025)
- 76. Mboup v. Field Off. Dir. of New Jersey Immigr. & Customs Enf't, No. 25-16882, 2025 WL 3062791 (D.N.J. Nov. 3, 2025)
- 77. Vincenz-Marquez v. Soto, No. 25-16906, 2025 WL 3097496 (D.N.J. Nov. 6, 2025)
- 78. Guaman Naula v. Noem, No. 25-16792, 2025 WL 3158490 (D.N.J. Nov. 12, 2025)
- 79. Moreira da Silva v. LaForge., No. 25-17095, 2025 WL 3173859 (D.N.J. Nov. 13, 2025)

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- 80. Cantu-Cortes v. O'Neill, No. 25-6338, 2025 WL 317639 (E.D. Pa. Nov. 13, 2025)
- 81. Kashranov v. Jamison, No. 25-05555, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025)

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- 82. del Cid v. Bondi, No. 25-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025)

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- 83. Leal-Hernandez v. Noem, No. 25-02428, 2025 WL 2430025 (D. Md. Aug. 24, 2025)
- 84. Maldonado de Leon v. Baker, No. 25-3084, 2025 WL 2968042 (D. Md. Oct. 21, 2025)
- 85. Pineda Velasquez v. Sec'y Noem, No. 25-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025)

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- 86. S.D.B.B. v. Johnson, No. 25-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025)

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- 87. Hasan v. Crawford, No. 25-01408, — F. Supp. 3d —, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025)
- 88. Quispe v. Crawford, No. 25-01471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025)

- 89. Diaz Gonzalez v. Lyons, No. 25-01583, Doc. No. 8 (E.D. Va. Oct. 1, 2025)
 - 90. Gomez Alonzo v. Simon, No. 25-01587, Doc. No. 16 (E.D. Va. Oct. 1, 2025)
 - 91. Perez Bibiano v. Lyons, No. 25-01590, Doc. No. 8 (E.D. Va. Oct. 1, 2025)
 - 92. Vargas Nunez v. Lyons, No. 25-01574, Doc. No. 10 (E.D. Va. Oct. 1, 2025)
 - 93. Ibarra Garcia v. Simon, No. 25-01663, Doc. No. 6 (E.D. Va. Oct. 3, 2025)
 - 94. Guerra Leon v. Noem, No. 25-01634, Doc. No. 12 (E.D. Va. Oct. 8, 2025)
 - 95. Maldonado Merlos v. Noem, No. 25-01645, Doc. No. 11 (E.D. Va. Oct. 9, 2025)
 - 96. Singh v. Lyons, No. 25-01606, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025)
 - 97. Hernandez v. Crawford, No. 25-01565, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025)
 - 98. Flores Pineda v. Simon, No. 25-01616, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025)
 - 99. Gregorio Lapop v. Noem, No. 25-01666, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025)
 - 100. Duarte Escobar, v. Perry, No. 25-00758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025)
 - 101. Sanchez-Lopez v. Crawford, No. 25-01721, Doc. No. 6 (E.D. Va. Oct. 27, 2025)
 - 102. Sanchez Saire v. Elliston, No. 25-01808, Doc. No. 7 (E.D. Va. Oct. 27, 2025)
 - 103. Garcia Guardado v. Lyons, No. 25-01741, Doc. No. 5 (E.D. Va. Oct. 28, 2025)
 - 104. Montejo v. Lyons, No. 25-01751, Doc. No. 7 (E.D. Va. Oct. 28, 2025)
 - 105. Velasquez Lozano v. Simon, No. 25-01731, Doc. No. 5 (E.D. Va. Oct. 28, 2025)
 - 106. Torres Torres v. Noem, No. 25-01866, Doc. No. 10 (E.D. Va. Nov. 3, 2025)
 - 107. Vicente v. U.S. Immigr. & Customs Enf't, No. 25-01836, Doc. No. 6 (E.D. Va. Nov. 3, 2025)
 - 108. Lopez Sarmiento v. Perry, No. 25-01644, 2025 WL 3091140 (E.D. Va. Nov. 5, 2025)
 - 109. Diaz Garcia v. Noem, No. 25-1712, 2025 WL 3111223 (E.D. Va. Nov. 6, 2025)
 - 110. Servellon Martinez v. Lyons, No. 25-01792, Doc. No. 7 (E.D. Va. Nov. 7, 2025)
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- 111. Kostak v. Trump, No. 25-01093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025)

- 112. Lopez Santos v. Noem, No. 25-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025)
- 113. Barrios Sandoval v. Acuna, No. 25-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025)
- 114. Silva Oliveira v. Patterson, No. 25-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025)

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- 115. Buenrostro-Mendez v. Bondi, No. 25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025)
- 116. Covarrubias v. Vergara, No. 25-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025)
- 117. Angel Fuentes v. Lyons, No. 25-00153, Doc. No. 15 (S.D. Tex. Oct. 16, 2025)
- 118. Almanzan Tapia v. Vergara, No. 25-00174, Doc. No. 3 (S.D. Tex. Oct. 17, 2025)
- 119. Torres-Rodriguez v. Noem, No. 25-05035, Doc. No. 5 (S.D. Tex. Nov. 3, 2025)
- 120. Montoya Cabanas v. Bondi, No. 25-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025)
- 121. Cruz Gutierrez v. Warden Thompson, No. 25-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025)

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- 122. Barrera v. Tindall, No. 25-00541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- 123. Singh v. Lewis, No. 25-00096, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025)
- 124. Ballestros v. Noem, No. 25-594, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025)
- 125. Martinez-Elvir v. Olson, No. 25-589, — F. Supp. 3d —, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025)
- 126. Orellana v. Noem, No. 25-112, — F. Supp. 3d —, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025)
- 127. Hernandez Alonso v. Tindall, No. 25-652, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025)

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- 128. Lopez-Campos v. Raycraft, No. 25-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
- 129. Pizarro Reyes v. Raycraft, No. 25-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)
- 130. Diaz Sandoval v. Raycraft, No. 25-12987, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025)
- 131. Pacheco Mayen, v. Raycraft, No. 25-13056, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025)

132. Casio-Mejia v. Raycraft, No. 25-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025)
133. Santos Franco v. Raycraft, No. 25-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025)
134. Gimenez Gonzalez v. Raycraft, No. 25-13094, 2025 WL 3006185 (E.D. Mich. Oct. 27, 2025)
135. Hernandez Capote v. Sec’y of U.S. Dep’t of Homeland Sec., No. 25-13128, 2025 WL 3089756 (E.D. Mich. Nov. 5, 2025)
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138. Rodriguez Carmona v. Noem, No. 25-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025)
139. Puerto-Hernandez v. Lynch, No. 25-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025)
140. Marin Garcia v. Noem, No. 25-1271, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025)
141. Rodriguez v. Noem, No. 25-1196, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025)
142. de Jesus Ramirez v. Noem, No. 25-1261, 2025 WL 3039266 (W.D. Mich. Oct. 31, 2025)
143. Escobar-Ruiz v. Raycraft, No. 25-1232, 2025 WL 3039255 (W.D. Mich. Oct. 31, 2025)
144. Salgado Mendoza v. Noem, No. 25-1252, 2025 WL 3077589 (W.D. Mich. Nov. 4, 2025)
145. Hernandez Garcia v. Raycraft, No. 25-1281, 2025 WL 3122800 (W.D. Mich. Nov. 7, 2025)
146. Rodriguez Serrano v. Noem, No. 25-1320, 2025 WL 3122825 (W.D. Mich. Nov. 7, 2025)
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148. Lucero Lucero v. Noem, No. 25-1295, 2025 WL 3165235 (W.D. Mich. Nov. 12, 2025)
149. Ginez Hernandez v. Noem, No. 25-1307, 2025 WL 3170872 (W.D. Mich. Nov. 13, 2025)
150. Madrid Gonzalez v. Noem, No. 25-1315, 2025 WL 3170879 (W.D. Mich. Nov. 13, 2025)
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152. Singh v. Noem, No. 25-1251, 2025 WL 3170855 (W.D. Mich. Nov. 13, 2025)
153. Amigon Cardona v. Unknown Party #1, No. 25-1297, 2025 WL 3200682 (W.D. Mich. Nov. 17, 2025)

154. Sevilla v. Noem, No. 25-1325, 2025 WL 3200698 (W.D. Mich. Nov. 17, 2025)

155. Silva Orellana v. Noem, No. 12-1333, 2025 WL 3198685 (W.D. Mich. Nov. 17, 2025)

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156. Laguna Espinoza v. Dir. of Detroit Field Off., No. 25-02107, 2025 WL 2878173 (N.D. Ohio Oct. 9, 2025)

157. Morales Chavez v. Dir. of Detroit Field Off., No. 25-02061, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025)

158. E.V. v. Raycraft, No. 25-02069, 2025 WL 3122837 (N.D. Ohio Nov. 7, 2025)

159. Morales Chavez v. Dir. of Detroit Field Off., No. 25-02061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025)

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160. Godinez-Lopez v. Ladwig, No. 25-02962, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025)

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161. Ochoa Ochoa v. Noem, No. 25-10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025)

162. H.G.V.U. v. Smith, No. 25-10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025)

163. G.Z.T. v. Smith, No. 25-12802, Doc. No. 14 (N.D. Ill. Oct. 21, 2025)

164. Miguel v. Noem, No. 25-11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025)

165. Padilla v. Noem, No. 25-12462, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025)

166. Maldonado v. Crowley, No. 25-12762, Doc. No. 16 (N.D. Ill. Oct. 24, 2025)

167. Patel v. Crowley, No. 25-11180, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025)

168. Amigon Sanchez v. Olson, No. 25-12453, 2025 WL 3004580 (N.D. Ill. Oct. 27, 2025)

169. Corona Diaz v. Olson, No. 25-12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025)

170. Rosales Ponce v. Olson, No. 25-13037, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025)

171. Valencia v. Noem, No. 25-12829, 2025 WL 3042520 (N.D. Ill. Oct. 31, 2025)

172. D.E.C.T. v. Noem, No. 25-12463, 2025 WL 3063650 (N.D. Ill. Nov. 3, 2025)

173. Flores v. Olson, No. 25-12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025)

174. Galvis Cortes v. Olsen, No. 25-6293, 2025 WL 3063636 (N.D. Ill. Nov. 3, 2025)

175. Reyes Arizmendi v. Noem, No. 25-13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025)

- 176. Mirzoev v. Olson, No. 25-12969, 2025 WL 3101969 (N.D. Ill. Nov. 6, 2025)
- 177. Pacheco Carrillo v. Noem, No. 25-12963, 2025 WL 3101993 (N.D. Ill. Nov. 6, 2025)
- 178. Garcia Rios v. Olson, No. 25-13180, 2025 WL 3124173 (N.D. Ill. Nov. 7, 2025)
- 179. Munoz Arredondo v. Olson, No. 25-12882, 2025 WL 3124149 (N.D. Ill. Nov. 7, 2025)
- 180. Perez v. Noem, No. 25-13441, 2025 WL 3140692 (N.D. Ill. Nov. 10, 2025)
- 181. Ramirez Martinez v. Noem, No. 25-12029, 2025 WL 3145103 (N.D. Ill. Nov. 11, 2025)
- 182. Vasquez Gonzalez v. Olson, No. 25-13162, 2025 WL 3158191 (N.D. Ill. Nov. 12, 2025)
- 183. Cabrera v. Noem, No. 25-12160, 2025 WL 3171288 (N.D. Ill. Nov. 13, 2025)
- 184. Mariscal Serrano v. Salazar, No. 23-13170, 2025 WL 3171354 (N.D. Ill. Nov. 13, 2025)
- 185. Rodriguez Loreda v. Forestal, No. 25-12758, 2025 WL 3187319 (N.D. Ill. Nov. 14, 2025)

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- 186. Campos Leon v. Forestal, No. 25-01774, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025)

- 187. Alejandro v. Olson, No. 25-02027, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025)
- 188. Singh v. Bondi, No. 25-02101, 2025 WL 3029524 (S.D. Ind. Oct. 30, 2025)
- 189. Delgado Avila v. Crowley, No. 25-00533, — F. Supp. 3d —, 2025 WL 3171175 (S.D. Ind. Nov. 13, 2025)
- 190. Quishpe-Guaman v. Noem, No. 25-00211, 2025 WL 3201072 (S.D. Ind. Nov. 17, 2025)

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- 192. Garcia Picazo v. Sheehan, No. 25-4057, 2025 WL 3006188 (N.D. Iowa Oct. 27, 2025)
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- 194. Barrajas v. Noem, No. 25-00322, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025)
- 195. Helbrum v. Williams Olson, No. 25-00349, 2025 WL 2840273 (S.D. Iowa Sept. 30, 2025)

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- 196. Aguilar Maldonado v. Olson, No. 25-3142, — F. Supp. 3d —, 2025

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- 197. J.O.E. v. Bondi, No. 25-03051, — F. Supp. 3d —, 2025 WL 2466670 (D. Minn. Aug. 27, 2025)
- 198. Francisco T. v. Bondi, No. 25-03219, 2025 WL 2629839 (D. Minn. Aug. 29, 2025)
- 199. Belsai D.S. v. Bondi, No. 25-03682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025)
- 200. Eliseo A.A. v. Olson, No. 25-3381, 2025 WL 2886729 (D. Minn. Oct. 8, 2025)
- 201. Herrera Avila v. Bondi, No. 25-3741, 2025 WL 2976539 (D. Minn. Oct. 21, 2025)
- 202. E.M. v. Noem, No. 25-975, 2025 WL 3157839 (D. Minn. Nov. 12, 2025)

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- 205. Carmona-Lorenzo v. Trump, No. 25-3172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025)
- 206. Palma Perez v. Berg, No. 25-494, — F. Supp. 3d —, 2025 WL 2531566 (D. Neb. Sept. 3, 2025)

- 207. Genchi Palma v. Trump, No. 25-3176, 2025 WL 2624385 (D. Neb. Sept. 11, 2025)
- 208. Ozuna Carlon v. Karmer, No. 25-3178, 2025 WL 2624386 (D. Neb. Sept. 11, 2025)
- 209. Perez v. Kramer, No. 25-03179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025)
- 210. Duenas Arce v. Trump, No. 25-520, Doc. No. 33 (D. Neb. Sept. 18, 2025)
- 211. Vargas Lopez v. Trump, No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025)

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- 215. Gonzalez v. Noem, No. 25-02054, 2025 WL 2633187 (C.D. Cal. Aug. 13, 2025)
- 216. Benitez v. Noem, No. 25-02190, Doc. No. 11 (C.D. Cal. Aug. 26, 2025)
- 217. Mosqueda v. Noem, No. 25-02394, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025)

- 218. Arazola-Gonzalez v. Noem, No. 25-1789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025)
- 219. Santiago Flores v. Noem, No. 25-02490, 2025 WL 3050062 (C.D. Cal. Sept. 29, 2025)
- 220. Lopez Pop. v. Noem, No. 25-02589, 2025 WL 3050095 (C.D. Cal. Oct. 3, 2025)
- 221. Garcia v. Noem, No. 25-02771, 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025)
- 222. Ruiz Yarleque v. Noem, No. 25-02836, 2025 WL 3043936 (C.D. Cal. Oct. 31, 2025)
- 229. F.M.V. v. Wofford, No. 25-01381, 2025 WL 3083934 (E.D. Cal. Nov. 4, 2025)
- 230. Menjivar Sanchez v. Wofford, No. 25-1187, 2025 WL 3089712 (E.D. Cal. Nov. 5, 2025)
- 231. O.P.A.M. v. Wofford, No. 25-01423, 2025 WL 3120552 (E.D. Cal. Nov. 7, 2025)
- 232. M.V.I. v. Andrews, No. 25-01440, 2025 WL 3154403 (E.D. Cal. Nov. 12, 2025)
- 233. Estuardo Marin v. Andrews, No. 25-01422, 2025 WL 3171484 (E.D. Cal. Nov. 13, 2025)

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- 223. Guzman v. Andrews, No. 25-01015, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025)
- 224. Lepe v. Andrews, No. 25-01163, — F. Supp. 3d —, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025)
- 225. Ortiz Donis v. Chestnut, No. 25-01228, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025)
- 226. J.S.H.M v. Wofford, No. 25-01309, 2025 WL 2938808 (E.D. Cal. Oct. 16, 2025)
- 227. Sabi Polo v. Chestnut, No. 25-01342, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025)
- 228. C.A.R.V. v. Wofford, No. 25-01395, 2025 WL 3059549 (E.D. Cal. Nov. 3, 2025)

- 234. Morillo v. Albarran, No. 25-01533, 2025 WL 3190899 (E.D. Cal. Nov. 15, 2025)

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- 235. Hernandez Nieves v. Kaiser, No. 25-6921, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025)
- 236. Hinestroza v. Kaiser, No. 25-07559, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025)
- 237. Salcedo Aceros v. Kaiser, No. 25-06924, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025)
- 238. Roa v. Albarran, No. 25-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025)
- 239. Valencia Zapata v. Kaiser, No. 25-07492, — F. Supp. 3d —, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025)

- 240. Cordero Pelico v. Kaiser, No. 25-07286, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025)
- 241. Chavez v. Kaiser, No. 25-06984, 2025 WL 2909526 (N.D. Cal. Oct. 9, 2025)
- 242. Pablo Sequen v. Albarran, No. 25-06487, 2025 WL 2935630 (N.D. Cal. Oct. 15, 2025)
- 243. J.A.C.P. v. Wofford, No. 25-01354, 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025)
- 244. J.A.E.M. v. Wofford, No. 25-01380, 2025 WL 3013377 (E.D. Cal. Oct. 27, 2025)
- 245. Ramandi v. Off. Dir., ICE ERO San Francisco, No. 25-01462, 2025 WL 3182732 (E.D. Cal. Nov. 14, 2025)

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- 246. Vasquez Garcia v. Noem, No. 25-02180, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025)
- 247. Sixtos Chavez v. Noem, No. 25-2325, Doc. No. 8 (S.D. Cal. Sept. 24, 2025)
- 248. Esquivel-Ipina v. LaRose, No. 25-2672, 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025)
- 249. Lopez v. Warden, Otay Mesa Det. Ctr., No. 25-2527, 2025 WL 3005346 (S.D. Cal. Oct. 27, 2025)
- 250. Martinez Lopez v. LaRose, No. 25-2717, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025)

- 251. Carmelo Beltran v. Noem, No. 25-2650, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025)
- 252. Garcia Magadan v. Noem, No. 25-2889, 2025 WL 3090089 (S.D. Cal. Nov. 5, 2025)
- 253. Aquino v. LaRose, No. 25-2904, 2025 WL 3158676 (S.D. Cal. Nov. 12, 2025)
- 254. Pelico Calel v. LaRose, No. 25-02883, 2025 WL 3171898 (S.D. Cal. Nov. 13, 2025)

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- 255. Rico-Tapia v. Smith, No. 25-00379, 2025 WL 2950089 (D. Haw. Oct. 10, 2025)

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- 256. Maldonado Vazquez v. Feeley, No. 25-01542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025)
- 257. Sanchez Roman v. Noem, No. 25-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025)
- 258. Carlos v. Noem, No. 25-01900, 2025 WL 2896156 (D. Nev. Oct. 10, 2025)
- 259. E.C. v. Noem, No. 25-01789, 2025 WL 2916264 (D. Nev. Oct. 14, 2025)
- 260. Aparicio v. Noem, No. 25-01919, 2025 WL 2998098 (D. Nev. Oct. 23, 2025)
- 261. Dominguez-Lara v. Noem, No. 25-01553, 2025 WL 2998094 (D. Nev. Oct. 24, 2025)

262. Bautista-Avalos v. Bernacke, No. 25-1987, 2025 WL 3014023 (D. Nev. Oct. 27, 2025)

263. Arce-Cervera v. Noem, No. 25-01895, 2025 WL 3017866 (D. Nev. Oct. 28, 2025)

264. Rodriguez Cabrera v. Mattos, No. 25-01551, 2025 WL 3072687 (D. Nev. Nov. 3, 2025)

265. Hernandez-Luna v. Noem, No. 25-01818, 2025 WL 3102039 (D. Nev. Nov. 6, 2025)

266. Mendez v. Noem, No. 25-02062, 2025 WL 3124285 (D. Nev. Nov. 7, 2025)

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267. L.A.E. v. Wamsley, No. 25-01975, 2025 WL 3037856 (D. Or. Oct. 30, 2025)

268. J.Y.L.C. v. Bostock, No. 25-02083, Doc. No. 15 (D. Or. Nov. 12, 2025)

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269. Rodriguez v. Bostock, No. 25-05240, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025)

270. Torres v. Wamsley, No. 25-5772, 2025 WL 2855379 (W.D. Wash. Oct. 8, 2025)

271. Cantero Garcia v. Wamsley, No. 25-02092, 2025 WL 3123996 (W.D. Wash. Nov. 7, 2025)

272. Marcia Navarette v. Wamsley, No. 25-02150, 2025 WL 3134712 (W.D. Wash. Nov. 10, 2025)

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273. Garcia Cortes v. Noem, No. 25-02677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025)

274. Mendoza Gutierrez, v. Baltazar, No. 25-2720, 2025 WL 2962908 (D. Colo. Oct. 17, 2025)

275. Loa Caballero v. Baltazar, No. 25-03120, 2025 WL 2977650 (D. Colo. Oct. 22, 2025)

276. Nava Hernandez v. Baltazar, No. 25-03094, 2025 WL 2996643 (D. Colo. Oct. 24, 2025)

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277. Velasquez Salazar v. Dedos, No. 25-00835, — F. Supp. 3d —, 2025 WL 2676729, (D.N.M. Sept. 17, 2025)

278. Garcia Domingo v. Castro, No. 25-00979, — F. Supp. 3d —, 2025 WL 2941217 (D.N.M. Oct. 15, 2025)

279. Pu Sacvin v. de Anda-Ybarra, No. 25-01031, 2025 WL 3187432 (D.N.M. Nov. 14, 2025)

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280. Garcia v. Noem, No. 25-00879, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025)

281. Hernandez Lopez v. Hardin, No. 25-00830, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025)

282. Vasquez Carcamo v. Noem, No. 25-00922, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025)

283. Erazo v. Hardin, No. 25-00891, 2025 WL 3187136 (M.D. Fla. Nov. 14, 2025)

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284. Merino v. Ripa, No. 25-23845, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025)

285. Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr., No. 25-24535, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025)

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286. J.A.M. v. Streeval, No. 25-342, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025)

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287. Aguirre Villa v. Warden Normand, No. 25-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025)

288. Villa v. Warden Normand, No. 25-100, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025)