



**INTRODUCTION**

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2 1. Petitioner Bilal Ibrahim Coulibaly is in the physical custody of Respondents at the  
3 Karnes County Immigration Processing Facility. He now faces unlawful detention because the  
4 Department of Homeland Security (DHS) and the Executive Office of Immigration Review  
5 (EOIR) have concluded Petitioner is subject to mandatory detention.

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

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

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

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration  
21 and Nationality Act (INA). Section 1225(b)(2)(A) does not apply to individuals like Petitioner  
22 who previously entered and are now residing in the United States. Instead, such individuals are  
23 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.

1 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for  
2 having entered the United States without inspection.

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

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

#### 8 JURISDICTION

9 8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
10 Karnes County Immigration Processing Center in Karnes City, Texas.

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

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

#### 16 VENUE

17 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
18 500 (1973), venue lies in the United States District Court for the Western District of Texas, the  
19 judicial district in which Petitioner currently is detained.

20 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
21 Respondents are employees, officers, and agencies of the United States, and because a  
22 substantial part of the events or omissions giving rise to the claims occurred in the Western  
23 District of Texas.

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**REQUIREMENTS OF 28 U.S.C. § 2243**

13. 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.*

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

**PARTIES**

15. Petitioner Bilal Ibrahim Coulibaly is a citizen of Mali who has been in immigration detention since October 20, 2025. After arresting Petitioner at the San Antonio Immigration Court, ICE did not set bond and Petitioner is unable to obtain review of his custody by an Immigration Judge (IJ), pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

16. Respondent Miguel Vergara is the Director of the San Antonio Field Office of ICE’s Enforcement and Removal Operations division. As such, Miguel Vergara is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

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

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

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

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

15 21. Respondent Rose Thompson is employed by GEO Group as Warden of the  
16 Karnes County Immigration Processing Center, where Petitioner is detained. She has immediate  
17 physical custody of Petitioner. She is sued in her official capacity.

18 **LEGAL FRAMEWORK**

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

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

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

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

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

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

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

19 29. Thus, in the decades that followed, most people who entered without inspection  
20 and were placed in standard removal proceedings received bond hearings, unless their criminal  
21 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent  
22 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”  
23 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)

1 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply  
2 “restates” the detention authority previously found at § 1252(a)).

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

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

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

15 33. Since Respondents adopted their new policies, dozens of federal courts have  
16 rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected  
17 *Matter of Yajure Hurtado*, which adopts the same incorrect reading of the statute as ICE.

18 34. Even before ICE or the BIA introduced these nationwide policies, IJs in the  
19 Tacoma, Washington, immigration court stopped providing bond hearings for persons who  
20 entered the United States without inspection and who have since resided here. There, the U.S.  
21 District Court in the Western District of Washington found that such a reading of the INA is  
22 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not

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

1 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d  
2 1239 (W.D. Wash. 2025).

3 35. Subsequently, court after court has adopted the same reading of the INA's  
4 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*,  
5 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,  
6 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);  
7 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,  
8 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL  
9 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025  
10 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,  
11 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-  
12 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-  
13 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),  
14 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-  
15 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-  
16 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-  
17 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
18 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*  
19 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);  
20 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,  
21 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.  
22 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.  
23 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.

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

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

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

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

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

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

8 41. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not  
9 apply to people like Petitioner, who have already entered and were residing in the United States  
10 at the time they were apprehended.

11 **FACTS**

12 42. Petitioner has resided in the United States since 2015 and lives in Austin, Texas.

13 43. On October 20, 2025, Petitioner was arrested by Immigration Customs and  
14 Enforcement at the San Antonio Immigration Court, in San Antonio, Texas. Petitioner had gone  
15 to Court to attend a Master Calendar Hearing (MCH). Petitioner is now detained at Karnes  
16 County Immigration Processing Center in Karnes City, Texas.

17 44. DHS placed Petitioner in removal proceedings before the San  
18 Antonio Immigration Court pursuant to 8 U.S.C. § 1229a after his affirmative asylum application,  
19 Form I-589, was referred to the Immigration Court for *de novo* review. In the referral notice and  
20 Notice to Appear (NTA) DHS charged Petitioner with, *inter alia*, being inadmissible under 8  
21 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

22 45. Petitioner has lived in the U.S. since August 2015. He affirmatively filed his  
23 asylum application on Form I-589 with United States Citizenship and Immigration Services in  
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1 May 2016 seeking protection here in the US. Petitioner timely applied for asylum within one  
2 year of the date of his arrival to the US. He fears torture from ██████████ in Mali, which  
3 the government cannot control. His fear is on account of his religion and his political opinion.  
4 Due to backlogs in the affirmative asylum process, Petitioner waited 9 years for his asylum  
5 interview to be scheduled, which he finally had in Houston on June 3, 2025. On August 26,  
6 2025, Petitioner was issued a referral notice and an NTA. Petitioner attended his initial MCH at  
7 the scheduled time and date, as required. Petitioner is invested in his case, and he has complied  
8 with all requirements to attend appointments with USCIS, along with his court hearings.

9 46. Petitioner has worked for the same employer in Austin, Texas, Cody Builders, the  
10 past eight years as a welder and builder. He has no arrest or criminal history in the US. He is an  
11 active member of the Austin community, where he has lived for the past ten years. He volunteers  
12 regularly at the the North Austin Muslim Community Center, a mosque to which he has  
13 belonged since 2015. Petitioner is neither a flight risk nor a danger to the community.

14 47. Petitioner learned his case was referred to the Immigration Court and attended his  
15 Master Calendar Hearing October 20, 2025, in the San Antonio Immigration Court as was  
16 required. At that hearing, he received a date from the judge for his next hearing. As he walked  
17 out of court, ICE arrested Petitioner. ICE first held Petitioner in the South Texas Immigration  
18 Processing Center (STIPC) in Pearsall, Texas. Before Petitioner's scheduled videocall with  
19 undersigned pro bono counsel, ICE transferred Petitioner to another facility, the La Salle  
20 Regional Detention Center. Petitioner's location was not made available online or to counsel.  
21 Petitioner's access to counsel has been severely restricted. Then, on November 5, 2025, ICE  
22 transferred Petitioner to the Karnes County Immigration Processing Center (Karnes), causing  
23 him to miss another scheduled meeting with counsel. Before Petitioner's ICE arrest and transfer  
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1 to STIPC, ICE issued a custody determination to continue Petitioner's detention without an  
2 opportunity to post bond or be released on other conditions.

3 48. Pursuant to *Matter of Yajure Hurtado*, an immigration judge is unable to consider  
4 Petitioner's bond request.

5 49. As a result, Petitioner remains in detention. Without relief from this court, he  
6 faces the prospect of months, or even years, in immigration custody, separated from his  
7 longstanding community. In addition, Petitioner's continued detention and transfers to various  
8 facilities have hampered his ability to communicate with and access his counsel.

9 **CLAIMS FOR RELIEF**

10 **COUNT I**

11 **Violation of the INA**

12 50. Petitioner incorporates by reference the allegations of fact set forth in the  
13 preceding paragraphs.

14 51. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
15 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As  
16 relevant here, it does not apply to those who previously entered the country and have been  
17 residing in the United States prior to being apprehended and placed in removal proceedings by  
18 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to  
19 § 1225(b)(1), § 1226(c), or § 1231. Furthermore, the detention provision certainly does not  
20 encompass individuals who have affirmatively applied for asylum, showing they made further  
21 efforts to have government contact rather than to evade detection. Petitioner has been fully  
22 complying with the laws around asylum applicants and work permits, and he has attended every  
23 meeting required.

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

3 **COUNT II**

4 **Violation of Due Process**

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

7 54. The government may not deprive a person of life, liberty, or property without due  
8 process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government  
9 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the  
10 Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

11 55. Petitioner has a fundamental interest in liberty and being free from official  
12 restraint.

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

15 **PRAYER FOR RELIEF**

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

- 17 a. Assume jurisdiction over this matter;
- 18 b. Order that Petitioner shall not be transferred outside the Western District of Texas  
19 while this habeas petition is pending;
- 20 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
21 Petition should not be granted within three days;
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- 1 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
2 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
3 1226(a) within seven days;
- 4 e. Declare that Petitioner's detention is unlawful;
- 5 f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
6 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
7 law; and
- 8 g. Grant any other and further relief that this Court deems just and proper.

9 DATED this 17<sup>th</sup> day of November, 2025.

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11  
12 /s/Edna Yang  
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23  
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**I. VERIFICATION**

I have read the foregoing Petition for Writ of Habeas Corpus. I have personal knowledge of the factual allegations contained therein, and if called as a witness to testify, I would competently testify as to the matters stated therein. This declaration is made pursuant to 8 U.S.C. § 1746. I declare under the penalty of perjury that the foregoing is true and correct.

/s/

A rectangular area containing a redacted signature, appearing as a dark, textured block.

Petitioner: Bilal Ibrahim Coulibaly

Date: November 17, 2025

**Certificate of Service**

I, Meredith Hoffman, hereby certify that on November 17, 2025, I mailed a copy of Petitioner's Petition for Writ of Habeas Corpus to the U.S. Attorney for the Western District of Texas San Antonio Division, at the United States Attorney's Office, 601 NW Loop 410, Suite 600, San Antonio, Texas 78216.

Meredith Hoffman