

INTRODUCTION

1. Petitioner Adrian Azaah Mbeli is in the physical custody of Respondents at the Richwood Correctional Center in Monroe, Louisiana. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ADRIAN AZAAH MBELI,

Petitioner,

v.

Melissa Harper, Field Office Director of Enforcement and Removal Operations, New Orleans Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Lisa Bowen, Warden of Richwood Correctional Center,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1 That statute expressly applies to people, and charged as inadmissible for
2 having 1. Petitioner Adrian Azaah Mbeli is in the physical custody of Respondents at the
3 Richwood Correctional Center in Monroe, Louisiana He now faces unlawful detention because
4 the 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 inspection. 8 U.S.C. § 1182(a)(6)(A)(i). and hearing under § 1226(a) within fourteen days.

8 3. Based on this allegation in Petitioner’s removal proceeding, 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 inspection—to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore
13 subject to mandatory detention. (usc).

14 4. Petitioner sought a bond redetermination hearing before an immigration judge
15 (IJ), but on November 5, 2025 the IJ denied bond. The IJ based this decision on the same legal
16 analysis. Indeed, the DHS policy states it was issued “in coordination with the Department of
17 Justice (DOJ).” The IJ concluded that notwithstanding Petitioner’s three years of residing in the
18 United States, he is nevertheless an “applicant for admission” who is “seeking admission” and
19 subject to mandatory detention under § 1225(b)(2)(A). inad.

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration
21 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
22 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.
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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
7 released unless Respondents provide a bond hearing under § 1226(a) within fourteen days.

8 **JURISDICTION**

9 8. The Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 Richwood Correctional Center in Monroe, Louisiana.

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 Louisiana,
19 the 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 in
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 Louisiana.

1 Nationality Act (INA), *see* **REQUIREMENTS OF 28 U.S.C. § 2243** *Harper's* decision. *Ms.*

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

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

12 *for custody redeterminations in bond hearings.* **PARTIES**

13 15. Petitioner is a citizen of Cameroon who has been in immigration detention since
14 about October 3, 2025. After arresting Petitioner, ICE did not set bond and Petitioner requested
15 review of his custody by an IJ. On November 5, 2025, Petitioner was denied bond by an IJ at the
16 Lasalle Immigration Court because he was deemed an “applicant for admission.” Petitioner has
17 resided in the United States since September of 2022. *of detention for the vast majority of*

18 *respondent* 16. Respondent Melissa Harper is the Director of the New Orleans Field Office of
19 ICE’s Enforcement and Removal Operations division. As such, Melissa Harper is Petitioner’s
20 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in
21 his official capacity. *aring at the outset of their detention. see 8 C.F.R. §§ 1003.19(a), 1236.1(d).*

22 *while* 17. Respondent Kristi Noem is the Secretary of the Department of Homeland
23 Security. She is responsible for the implementation and enforcement of the Immigration and
24

1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.

2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

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

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

13 21. Respondent Lisa Bowen, is employed by Lasalle Corrections as Warden of the
14 Richwood Correctional Center, where Petitioner is detained. She has immediate physical custody
15 of Petitioner. She is sued in her official capacity.

16 **LEGAL FRAMEWORK**

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

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

24

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

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

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

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

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

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

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

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

10 32. In a May 22, 2025, unpublished decision from the Board of Immigration Appeals
11 (BIA), EOIR adopts this same position.² That decision holds that all noncitizens who entered the
12 United States without admission or parole are considered applicants for admission and are
13 ineligible for immigration judge bond hearings.

14 33. ICE and EOIR have adopted this position even though federal courts have
15 rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration
16 court stopped providing bond hearings for persons who entered the United States without
17 inspection and who have since resided here, the U.S. District Court in the Western District of
18 Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not §
19 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States.

20 *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24,

21 the border of people who are “seeking admission” to the United States. 8 U.S.C.

22 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme

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

24 ² Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

1 2025); *see also* *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass.
2 July 7, 2025) (granting habeas petition based on same conclusion).

3 34. DHS’s and DOJ’s interpretation defies the INA. As the *Rodriguez Vazquez* court
4 explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b),
5 applies to people like Petitioner.

6 35. Section 1226(a) applies by default to all persons “pending a decision on whether
7 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
8 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

9 36. The text of § 1226 also explicitly applies to people charged as being inadmissible,
10 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
11 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
12 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress
13 creates “specific exceptions” to a statute’s applicability, it “proves” that absent those exceptions,
14 the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove*
15 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

16 37. Section 1226 therefore leaves no doubt that it applies to people who face charges
17 of being inadmissible to the United States, including those who are present without admission or
18 parole.

19 38. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
20 recently entered the United States. The statute’s entire framework is premised on inspections at
21 the border of people who are “seeking admission” to the United States. 8 U.S.C.
22 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
23 applies “at the Nation’s borders and ports of entry, where the Government must determine
24

1 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
2 U.S. 281, 287 (2018).
3 Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
4 people like Petitioner, who have already entered and were residing in the United States at the
5 time they were apprehended.

6 **FACTS**

7 40. Petitioner has resided in the United States since September 19, 2022 and lives in
8 Largo, Maryland.

9 41. On or about October 3, 2025, Petitioner was arrested while attending his ICE
10 check-in. Petitioner is now detained at the Richwood Correctional Center in Monroe, Louisiana.

11 42. DHS placed Petitioner in removal proceedings before the Lasalle Immigration
12 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States
14 without inspection.

15 43. Prior to his detention, Petitioner had been gainfully employed by the National
16 Institute of Health as an animal research specialist. After his arrival in the United States,
17 Petitioner married a U.S. citizen and is now eligible to adjust status. Petitioner is neither a flight
18 risk nor a danger to the community.

19 44. Following Petitioner’s arrest and transfer to the Richwood Correctional Center,
20 ICE issued a custody determination to continue Petitioner’s detention without an opportunity to
21 post bond or be released on other conditions.

22 45. Petitioner subsequently requested a bond redetermination hearing before an IJ.

1 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
2 § 1225(b)(1), § 1226(c), or § 1231.

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

5 **COUNT II**

6 **Violation of Due Process**

7
8 52. Petitioner repeats, re-alleges, and incorporates by reference each and every
9 allegation in the preceding paragraphs as if fully set forth herein.

10 53. The government may not deprive a person of life, liberty, or property without due
11 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
12 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
13 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653
14 (2001).

15 54. Petitioner has a fundamental interest in liberty and being free from official
16 restraint.

17 55. The government’s detention of Petitioner without a bond redetermination hearing
18 to determine whether he is a flight risk or danger to others violates his right to due process.

19 **PRAYER FOR RELIEF**

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

- 21 a. Assume jurisdiction over this matter;
- 22 b. Issue a writ of habeas corpus requiring that Respondents release Petitioner or
23 provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14
24 days;

1 c. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
2 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and

4 d. Grant any other and further relief that this Court deems just and proper.

5 DATED this 20th day of November, 2025.

6 Respectfully submitted
7 **LIBERTY LAW GROUP, LLC**

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