UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

PAULINO GARCIA-GOMEZ,
ISIDRO GARCIA-GOMEZ,

Petitioners,

v.

GARRETT RIPA, in his official capacity as Field Office Director of U.S. Immigration and Customs Enforcement Miami Field Office;

KRISTI NOEM, in her official capacity as the Secretary of the U.S. Department of Homeland Security;

PAMELA BONDI, in her official capacity as Acting Attorney General of the United States.

Respondents.

_____/

PETITION FOR WRIT OF HABEAS CORPUS

The Petitioners, Paulino Garcia-Gomez ("Paulino") and Isidro Garcia-Gomez ("Isidro"), submit this petition for writ of habeas corpus and allege as follows:

INTRODUCTION

1. On October 9, 2025, Paulino and Isidro, two brothers from Guatemala, were coming home from work when the Homestead Police Department stopped their vehicle. At the time, Isidro was the driver and Paulino was a passenger. Homestead Police Department contacted Immigration and Customs Enforcement (ICE), and ICE detained the Petitioners and placed them into federal custody. The Petitioners have no known criminal convictions. Paulino entered the United States on or about in 2008 and Isidro entered the United States on or about 2004.

2. As a result of the aforementioned, Paulino, a 34-year-old man, and Isidro, a 38-year old man, remain detained at Broward Transitional Center, in Pompano Beach, Florida, where they have been incarcerated for over a month and separated from their children and family in Homestead, Florida. As further explained *infra*, Respondents lack the authority to arrest and detain the Petitioners without a bond hearing under the Immigration and Nationality Act (INA), its implementing regulations, and the Constitution.

3. Petitioners' detention violates the plain language of the Immigration and Nationality Act. § 1225(b)(2)(A) does not apply to individuals like the Petitioners who previously entered and are now residing in the United States. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025). Instead, such individuals are subject to a different statute, § 1226(a), which allows for release on conditional parole or bond. That statute expressly applies to people who—like the Petitioners—are charged as inadmissible for having entered the United States without inspection.

4. Respondents' erroneous legal interpretation is plainly contrary to the statutory framework governing immigrant detention and contrary to decades of agency practice applying § 1226(a) to people like the Petitioners. The Petitioners seek a writ of habeas corpus requiring that they be released unless Respondents provide a bond hearing under § 1226(a) within seven (7) days.

JURISDICTION & VENUE

5. This Court has subject matter jurisdiction under Art. I § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

6. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

7. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because the Petitioners are currently detained in this district and division and events or omissions giving rise to this action occurred in this district and division.

PARTIES

8. Respondent Garrett Ripa is the Field Office Director for the ICE Miami Field Office. In that capacity, he is charged with overseeing Broward Transitional Center, which is owned by ICE and operated by a contractor, and has the authority to make custody determinations regarding individuals detained there. Therefore, Respondent Ripa is the immediate custodian of Petitioner. He is sued in his official capacity.

9. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). She supervises ICE, an agency within DHS that is responsible for the administration and enforcement of immigration laws, and she has supervisory responsibility for and authority over the detention and removal of non-citizens throughout the United States. Secretary Noem is the ultimate legal custodian of Petitioner. Respondent Noem is sued in her official capacity.

10. Respondent Pam Bondi is the Attorney General of the United States. As the Attorney General, she oversees the Executive Office for Immigration Review (EOIR), including all immigration judges (IJs) and the BIA. Respondent Bondi is sued in her official capacity.

LEGAL BACKGROUND

A. Detention During Removal Proceedings

11. Section 1229a of Title 8 of the U.S. Code (Section 240 of the INA) describes the primary process through which the government seeks to remove non-citizens from the United

States. It specifies that "[u]nless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be . . . removed from the United States." 8 U.S.C. § 1229a(a)(3).

12. To initiate removal proceedings against a non-citizen under Section 1229a, the Government must issue the non-citizen a Notice to Appear. 8 U.S.C. § 1229(a)(1). Most non-citizens go through removal proceedings from outside detention. But ICE is increasingly detaining non-citizens during their removal proceedings.

13. Section 1226 of Title 8 of the U.S. Code (Section 236 of the INA) is the default provision that governs the arrest and detention of non-citizens pending removal proceedings. It states that "on a warrant issued by the Attorney General,[1] a[] [non-citizen] may be arrested and detained pending a decision on whether the [non-citizen] is to be removed from the United States" 8 U.S.C. § 1226(a). Non-citizens arrested upon a warrant and in ongoing removal proceedings are eligible to seek bond from an IJ. *Id.* § 1226(a)(2).

14. A separate provision governs the detention of people who seek admission to the United States at the border. It states that "in the case of a [non-citizen] who is an applicant for admission, if the examining immigration officer determines that a [non-citizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the non-citizen shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A). IJs do not have jurisdiction to grant bond for such "applicant[s] for admission," though DHS retains the discretion to release such non-citizens on a specific type of parole "for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A).

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[1] In 2003, the Immigration and Naturalization Service (INS) within the Department of Justice (DOJ) became what is now ICE, which is housed within DHS. Therefore, some statutory references to the "Attorney General," like this one, now refer to the Secretary of DHS.

15. No exhaustion is statutorily required for the petitioner's habeas claims because "Section 2241 itself does not impose an exhaustion requirement," *Santiago-Lugo v. Warden*, 785 F. 3d 467, 474 (CA11 2015).

16. Regardless, "[w]here Congress does not say there is a jurisdictional bar, there is none." *Santiago-Lugo v. Warden*, 785 F.3d 467, 473 (11th Cir. 2015). The fact that it did not limit courts' subject matter jurisdiction to decide unexhausted § 2241 claims compel the conclusion that any failure of [the respondent] to exhaust administrative remedies is not a jurisdictional defect." *Id.* at 474.

17. In the absence of a statutorily mandated exhaustion requirement, whether to apply a common law exhaustion requirement is a decision that rests soundly within the broad discretion. of district courts. *See J.N.C.G. v. Warden, Stewart Detention Ctr.*, No. 4:20-CV- 62-MSH, 2020 WL 5046870, at *3 (M.D. Ga. Aug. 26, 2020) (citing *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)); *see also Richardson v. Reno*, 162 F.3d 1338, 1374 (11th Cir. 1998); *Yahweh v. U.S. Parole Comm'n*, 158 F. Supp. 2d 1332, 1341 (S.D. Fla. 2001).

18. Here, there is no reason to require exhaustion of administrative remedies, as the Petitioners have no meaningful alternative to habeas relief. *Boz v. United States*, 248 F.3d 1299, 1300 (11th Cir. 2001) ("[A] petitioner need not exhaust their administrative remedies where the administrative remedy will not provide relief commensurate with the claim."); *Linfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982) ("[E]xhaustion is not required where no genuine opportunity for adequate relief exists . . . or an administrative appeal would be futile[.]"). In light of the BIA's recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025), exhaustion would be futile because the outcome of the administrative process can be reasonably anticipated and would not constitute an adequate remedy.

19. Accordingly, the Petitioners urgently seek and are entitled to habeas relief because they have no meaningful opportunity to challenge the constitutionality of their detention through any available administrative process. *See Boumediene*, 553 U.S. 723, 783 (2008).

STATEMENT OF FACTS

PAULINO GARCIA-GOMEZ

20. Petitioner Paulino is a native and citizen of Guatemala who is currently detained at Broward Transitional Center, in Pompano Beach, Florida.

21. Paulino entered the United States without inspection or parole on or about 2008.

22. On October 9, 2025, Paulino was detained after the vehicle in which he was a passenger was stopped, and the Homestead police notified ICE.

23. After his transfer to Respondents' custody, Paulino attended a master calendar hearing in immigration court on November 25, 2025.

24. Paulino has significant ties to the United States, including his two (2) U.S. Citizen children. K[redacted] ("K[redacted]") born [redacted], and Y[redacted] ("Y[redacted]") born [redacted]

25. Paulino is eligible for bond or conditional parole under the U.S. Code §1226. He is also seeking relief from removal in the form of cancellation of removal for certain non-lawful permanent residents.

26. Paulino has contributed meaningfully to his community and has maintained steady employment during his time in the United States.

27. On October 9, 2025, Paulino was detained by ICE after coming into contact with the Homestead Police Department. ICE arbitrarily detained Paulino and placed him into federal custody. Paulino has no known criminal history.

28. Paulino remains detained at the Broward Transitional Center, Pompano Beach, Florida and is in removal proceedings, as of the date of this petition.

ISIDRO GARCIA-GOMEZ

29. Petitioner Isidro entered the United States without inspection or parole on or about 2004.

30. On October 9, 2025, Isidro was detained in Homestead, Florida, after being pulled over in a vehicle he was driving.

31. Isidro is now in removal proceedings, and he attended an immigration court master calendar hearing on November 20, 2025.

32. Isidro has significant community ties to the United States, including a U.S. Citizen child, G[redacted] born [redacted].

33. Paulino is eligible for bond or conditional parole under the U.S. Code § 1226.

34. He is seeking relief from removal in the form of cancellation of removal for certain non-lawful permanent residents.

35. On October 9, 2025, Isidro was detained by ICE after coming into contact with Homestead Police Department. ICE arbitrarily detained Isidro and placed him into federal custody. Isidro has no known criminal history.

36. Isidro remains detained at the Broward Transitional Center, Pompano Beach, Florida and is in removal proceedings, as of the date of this petition.

ARGUMENT

A. Petitioners' Continued Detention Is Unlawful Because They Are Not Subject to Mandatory Detention Under 8 U.S.C. § 1225(b)(2)

37. Respondents have unlawfully subjected them to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2), despite the fact that they were apprehended inside the United States after having resided here for many years. As a result, Respondents have deprived the Petitioners of their liberty without due process, contrary to the Fifth Amendment and the INA.

38. The Petitioners' detentions fall squarely within the scope of §1226(a), which provides for discretionary detention and permits release on bond or conditional parole pending completion of removal proceedings.

39. This Court should decline to follow *Matter of Yajure Hurtado*, whose interpretation of § 1225 is at odds with the text of § 1225 and § 1226, is inconsistent with earlier BIA decisions, and renders superfluous the recent Laken Riley Act amendments to § 1226(c).

40. Specifically, the Chief United States District Judge Cecilia M. Altonaga, recently issued a decision in *Alvarez Puga*, rejecting the Respondents' reliance on *Matter of Yajure Hurtado*. In that decision, the Court explained:

> "Respondents' reliance on the BIA's decision in *Matter of Yajure Hurtado* — rejecting the argument that a noncitizen who entered the United States without inspection and has resided here for years is not 'seeking admission' under section 1225(b)(2)(A) — is also misplaced. The Court need not defer to the BIA's interpretation of law simply because the statute is ambiguous. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024) ("[C]ourts need not and under the APA may not defer to an agency interpretation of the law simply because a statute is ambiguous." (alteration added)). As explained, the statutory text, context, and scheme of section 1225 do not support a finding that a noncitizen is 'seeking admission' when he never sought to do so. Additionally, numerous courts that have examined the interpretation of section 1225 articulated by Respondents — particularly following the BIA's decision in *Matter of Yajure Hurtado* — have rejected their construction and adopted Petitioner's. … For these reasons, the Court finds that section 1226(a) and its implementing regulations govern Petitioner's detention, not section 1225(b)(2)(A). Petitioner is entitled to an individualized bond hearing as a detainee under section 1226(a)."

See Alvarez Puga v. Assistant Field Office Director, Krome North Service Processing Center et al., No. 1:25-cv-24535 (S.D. Fla. Oct. 15, 2025) at *10.

41. This case turns on the statutory distinction between § 1226(a) and § 1225(b)(2) of the INA. Section 1226(a) governs the arrest and detention of noncitizens already present in the United States pending removal proceedings, while § 1225(b)(2) governs the detention of noncitizens arriving at the border or ports of entry. In enacting these provisions, Congress expressly recognized the greater due process rights of noncitizens residing within the United States as compared to those of "arriving" noncitizens. *See* H.R. REP. 104-469, pt. 1, at 163–66 ("an alien present in the U.S. has a constitutional liberty interest to remain in the U.S."), citing *Knauff v. Shaughnessy*, 338 U.S. 537 (1950).

42. Consistent with this statutory framework, immigration agencies and courts have long applied § 1226(a)—not § 1225(b)(2)—to noncitizens apprehended inside the United States who were not seeking admission at the border. *See Maldonado v. Feely*, No. 25-cv-01542-RFB-EJY (D. Nev. Sept. 17, 2025) ("Despite being applicants for admission, aliens who are present without admission or parole will be eligible for bond and bond redetermination... inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge, while arriving aliens do not.") (citing *Inspection and Expedited Removal of Aliens*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)).

43. Nonetheless, on July 8, 2025, DHS issued a notice instructing ICE officers to detain all noncitizens "who have not been admitted" under § 1225(b)(2), regardless of where they were apprehended. *See* ICE Memo: *Interim Guidance Regarding Detention Authority for Applications for Admission*, AILA Doc. No. 25071607 (July 8, 2025). The Notice purports to eliminate bond eligibility for such individuals, directing that they "may not be released from ICE custody except by INA § 212(d)(5) parole."

44. This expansive interpretation contradicts the statutory text, legislative history, and consistent judicial authority in multiple circuits. *See, e.g.*, *Merino v. Noem*, No. 25-cv-23845 (S.D. Fla. Oct. 15, 2025), *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025); *Rosado v. Figueroa*, No. 2:25-cv-02157-DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025). Each of these courts rejected DHS's position and held that noncitizens residing in the United States when taken into custody are detained under § 1226(a) and therefore entitled to a bond hearing.

45. Paulino, who has lived in the United States for about seventeen (17) years, and Isidro who has lived in the United States for about twenty-one (21) years were apprehended well inside the country. Neither is properly classified as an "arriving alien" or "seeking admission" in any meaningful or coherent sense. Their detention under § 1225(b)(2) is unlawful. Because § 1226(a) governs their custody, Petitioners are entitled to a custody redetermination and to consideration for bond based on individualized factors. The government's continued reliance on §1225(b)(2) violates both the statute and Petitioners' constitutional right to due process.

B. Petitioners' Continued Detention Violates Their Substantive and Procedural Due Process Rights

46. The Fifth Amendment guarantees that no person shall be deprived of life, liberty, or property without due process of law. U.S. CONST. amend. V. This protection extends to all persons within the United States—citizens and noncitizens alike—regardless of immigration status. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Because the Petitioners have been detained for an extended period without a meaningful opportunity to seek release, their detentions offend both procedural and substantive due process.

47. Civil immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). The Supreme Court has made clear that there are only two plausible purposes for immigration detention: ensuring a non-citizen's appearance at his removal proceedings and/or preventing danger to the community. *Zadvydas*, 533 U.S. at 690. Indeed, where civil detention "is of potentially *indefinite* duration," courts have "also demanded that the dangerousness rationale be accompanied by some other special circumstance." *Id.* If immigration detention is not reasonably related to one of these purposes, it is essentially punitive and therefore violative of the Due Process Clause. *See id.*

48. To determine whether the Government's procedures satisfy procedural due process, courts apply the three-part balancing test from *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022). Under *Mathews*, courts consider: (1) the private interest affected by the government action; (2) the risk of erroneous deprivation of that interest through existing procedures and the probable value of additional safeguards; and (3) the Government's interest, including administrative or fiscal burdens of additional process. *Mathews*, 424 U.S. at 335. Each of these factors strongly favors the Petitioners.

49. First, the Petitioners' liberty interests are undoubtedly substantial. Freedom from physical constraint is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). The Petitioners have been detained for over a month without any individualized assessment of flight risk or danger despite his long residence in the United States, family ties, and lack of any disqualifying criminal record.

50. Second, the risk of erroneous deprivation is extreme. DHS's position that the Petitioners are subject to "mandatory detention" under §1225(b)(2), deprive them of the only

procedural mechanism designed to test the necessity of his continued confinement. This result effectively transforms their bond eligibility into an empty formality, denying the Petitioners a meaningful opportunity to contest their detention. Courts have consistently held that procedures which categorically foreclose individualized review of detention violate due process. *See Günaydin v. Trump*, No. 25-cv-1151, 2025 WL 1459154 (D. Minn. May 21, 2025) (describing DHS's unilateral detention authority as creating "not just a risk, but a likelihood" of erroneous deprivation).

51. Third, the Government's interests are adequately protected by the individualized bond determination procedure already contemplated by §1226(a). As the Ninth Circuit recognized in *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017), "the government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future proceedings can be reasonably ensured by less restrictive conditions." Far from imposing any undue burden, allowing bond hearings for noncitizens apprehended inside the United States promotes fairness and efficiency.

52. Accordingly, under *Mathews*, the procedures used to detain the Petitioners fail to satisfy procedural due process. DHS has misclassified the Petitioners as subject to §1225(b)(2), constituted a denial of any meaningful opportunity to be heard. The Government's blanket invocation of "mandatory detention" cannot substitute for constitutionally required process.

53. Even apart from procedural deficiencies, the Petitioners' continued confinement violates substantive due process. Government detention is constitutionally permissible only when it occurs in a criminal context with robust procedural protections, or in civil circumstances where a "special justification" outweighs the individual's liberty interest. *Zadvydas*, 533 U.S. at 690. No such justification exists here.

54. The Petitioners' confinement is purely civil and ostensibly intended to ensure their presence for removal proceedings. Yet the Government has offered no individualized justification for his ongoing detention, no finding that he poses a danger or flight risk. Detaining a long-term Florida resident without such a finding serves no legitimate regulatory goal and instead amounts to impermissible punishment.

55. Respondents rely on *Matter of Yajure-Hurtado*, 28 I. & N. Dec. 1 (BIA 2025), to argue that the Petitioners are ineligible for bond since they are supposedly detained under §1225(b)(2). That reliance is misplaced. As discussed *supra*, the Petitioners were apprehended well inside the United States, after residing here for many years. They are therefore properly detained under §1226(a), which provides for discretionary release on bond. The BIA's decision in *Yajure-Hurtado* cannot override Congress's clear statutory distinction between §1225(b)(2) (governing those seeking admission at the border) and §1226(a) (governing those already present in the United States).

56. By adopting DHS's erroneous interpretation, the Petitioners have been functionally denied any opportunity for an individualized bond determination and it would be futile to seek a bond hearing without an order directing Respondents to provide them with individualized consideration under 1226a. Otherwise, their continued detention is arbitrary, indefinite, and unconstitutional. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025) (holding that detention of noncitizens apprehended within the U.S. under §1225(b)(2) violates due process and exceeds statutory authority).

57. Because the Petitioners' detention falls under §1226(a), they are entitled to a prompt and meaningful bond hearing. Respondents' misapplication of *Yajure-Hurtado*, violates the Due Process Clause of the Fifth Amendment.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT
Substantive Due Process

58. The Supreme Court has found that the "Due Process Clause applies to all persons within the United States, including [non-citizens], whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 682.

59. Immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore*, 538 U.S. at 527. The Petitioners have been detained for over a month without any individualized custody determination. DHS has misclassified the Petitioners as subject to §1225(b)(2), and therefore refuses to assess whether the Petitioners pose a danger or flight risk. As a result, the Petitioners remain confined without any finding that their detention is necessary to serve a legitimate regulatory purpose. Such unexamined and indefinite detention bears no reasonable relation to ensuring appearance at removal proceedings or protecting public safety.

60. By categorically denying the Petitioners the opportunity for individualized review, Respondents have transformed a civil regulatory scheme into punitive confinement in violation of substantive due process. The Fifth Amendment forbids detention that is arbitrary, excessive in relation to its purpose, or unsupported by individualized justification. *See Zadvydas*, 533 U.S. at 690. Because the Petitioners have never been found to be a danger or flight risk, and because Respondents have provided no special justification for continued incarceration, their detention is not reasonably related to its purpose and thereby violates their due process rights.

COUNT II

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

Procedural Due Process

61. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts evaluate whether adjudicatory procedures sufficiently protect individuals' due process rights.

62. The Petitioners have been denied any meaningful process to challenge their confinement. As a result, the Petitioners have not been afforded an individualized determination of whether they pose a danger or flight risk. Respondents' application of *Matter of Yajure-Hurtado* and the resulting refusal to hold an individualized bond hearing violate the procedural component of the Due Process Clause of the Fifth Amendment.

COUNT III

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a)

No Authority to Detain

63. 8 U.S.C. § 1226(a) authorizes immigration detention only during pending removal proceedings. Respondents' reliance on § 1225(b)(2) to classify the Petitioners as subject to mandatory detention is contrary to the plain language and structure of the INA, as well as its legislative history and judicial interpretation.

64. Because the Petitioners are not subject to mandatory detention, Respondents lack authority to detain them without providing a meaningful opportunity for release on bond. Continued confinement under § 1225(b)(2) exceeds the government's statutory authority and violates both the INA and the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, the Petitioners respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Order, under the All Writs Act, 28 U.S.C. § 1651, that Respondents not transfer the Petitioners outside of the jurisdiction of the U.S. District Court for the Southern District of Florida during the pendency of this petition;

c. Issue an Order to Show Cause why habeas relief in the form of immediate release should not be granted;

b. Declare that Respondents' actions or omissions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution and/or the Immigration and Nationality Act;

c. Order Respondents to provide the Petitioners with a prompt and constitutionally adequate bond hearing before An Immigration Judge with jurisdiction under 8 U.S.C. § 1226(a), at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified;

d. In the alternative, order the Petitioners' immediate releases from custody if a bond hearing is not held within fourteen (14) days of this Court's order;

e. Award the Petitioners reasonable fees under the Equal Access to Justice Act, 5 U.S. Code § 504;

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

This 26th day of November 2025.

Respectfully submitted,

BY: */s/ Felix A. Montanez*
Felix A. Montanez, Esq.
FL Bar No.: 102763
Attorney for Respondent
Preferential Option Law Office, LLC
P.O. Box 60208
Savannah, GA 31420

Tel.: 912-604-5801
Email: felix.montanez@preferentialoption.com

VERIFICATION BY SOMEONE ACTING ON PETITIONERS' BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioners because I am the Petitioners' attorney. I have discussed with the Petitioners' families and immigration attorney the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

This 26th day of November 2025.

Respectfully submitted,

BY: */s/ Felix A. Montanez*
Felix A. Montanez, Esq.
FL Bar No.: 102763
Attorney for Petitioner
Preferential Option Law Office, LLC
P.O. Box 60208
Savannah, GA 31420
Tel.: 912-604-5801
Email: felix.montanez@preferentialoption.com