UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Leonel Villagrana Flores,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of Homeland Security,

Department of Homeland Security,

Todd M. Lyons, Acting Director of Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement,

and,

Joel Brott,
Sheriff of Sherburne County,

Respondents.

Case No. 0:25-cv-04474

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Respondents are detaining Petitioner, Mr. Leonel Villagrana Flores ("Villagrana Flores") and improperly denying him access to a bond hearing to which he is entitled under 8 U.S.C. § 1226(a).

2. The continued detention of Villagrana Flores, absent a bond hearing, serves no legitimate purpose.

3. To remedy this unlawful detention, Villagrana Flores seeks declaratory relief and a writ of habeas corpus in the form of an order to hold a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days.

4. Pending the adjudication of his petition, Villagrana Flores seeks an order restraining the Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to- day operations of U.S. Customs and Immigration's ("ICE") Fort Snelling, Minnesota of the Office of Enforcement and Removal Operations in the State of Minnesota.

5. Pending the adjudication of this Petition, Petitioner also respectfully requests that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Villagrana Flores.

JURISDICTION AND VENUE

6. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (federal employee mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), specifically, 8 U.S.C. § 1254a.

7. Because Villagrana Flores seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court.

8. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. Demore v. Kim, 538 U.S. 510, 516–17 (2003); Jennings v. Rodriguez, 138 S. Ct. 830, 839–41 (2018); Nielsen v. Preap, 139 S. Ct. 954, 961–63 (2019); Sopo v. U.S. Attorney Gen., 825 F.3d 1199, 1209-12 (11th Cir. 2016).

9. Federal district courts have jurisdiction to enforce 8 U.S.C. § 1226(a)(2). This statute, 8 U.S.C. § 1226(a)(2), entitles Petitioner to a bond hearing in

which an immigration judge may determine his eligibility for release from custody.

10. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Villagrana Flores is detained within this District. He is currently detained at the Sherburne County Jail in Elk River, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES

11. Petitioner Villagrana Flores is a citizen of Mexico and a resident of Ramsey County, Minnesota. He is not an arriving alien. He is not seeking admission.

12. Petitioner Villagrana Flores is currently in custody at the Immigration and Customs Enforcement ("ICE") detention center in Elk River, Minnesota.

13. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the BIA and the immigration judges through the Executive Office for Immigration Review. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Villagrana Flores.

14. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to § 103(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Villagrana Flores's detention and removal. As such, Respondent Noem is a legal custodian of Villagrana Flores.

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

16. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

17. Respondent Immigration and Customs Enforcement (ICE) is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens.

18. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE

within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Villagrana Flores. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

19. Respondent Sheriff Joel Brott is being sued in his official capacity as the Sheriff responsible for the Sherburne County Jail. Because Petitioner is detained in the Sherburne County Jail, Respondent has immediate day-to-day control over Petitioner.

EXHAUSTION

20. Any appeal to the Board of Immigration Appeals is futile. Respondents' new policy was issued "in coordination with DOJ," which oversees the immigration courts. Until November 2025, the Board's published decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), bound the immigration court and erroneously denied many aliens access to a bond hearing.

21. On November 25, 2025, the Central District of California granted Petitioner's motion for class certification in Lazaro Maldonado Bautista, et. al., v. Ernesto Santacruz Junior, et. al, 5:25-cv-01873-SSS-BFM, dkt. 82, confirming that non-citizens in Petitioner's situation are properly detained under §1226 and not §1225.

22. The bond eligible class is composed of all noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

23. Villagrana Flores entered the United Sates without inspection, was not apprehended on arrival, and is not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Villagrana Flores is a class member.

24. The Central District of California also granted partial summary judgment to the class, confirming that Yajure Hurtado is contrary to law. Lazaro Maldonado Bautista, et. al., v. Ernesto Santacruz Junior, et. al, 5:25-cv-01873-SSS-BFM, dkt. 81.

25. It is foreseeable that Respondents will appeal this ruling and likely seek a stay from the Ninth Circuit Court of Appeals. Therefore, the uncertainty as to the effect of this order remains.

26. EOIR has not announced at the time of this petition whether it will comply with this order or believes that it is bound by this order. Other litigants have reported that EOIR immigration judges are not honoring the ruling because it is not a final judgment.

27. Therefore, this Court should not require exhaustion as a prudential matter.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

28. Petitioner Villagrana Flores is a native and citizen of Mexico.

29. Petitioner Villagrana Flores entered the United States without inspection on or about January 1, 1993.

30. Petitioner Villagrana Flores had no contact with immigration authorities when he initially entered the United States.

31. Petitioner Villagrana Flores has now been in the United States for over thirty years.

32. Petitioner has no criminal history that would subject him to 8 U.S.C. § 1226(c).

33. Respondents took Petitioner Villagrana Flores into custody on or about November 18, 2025, where he has remained ever since.

LEGAL FRAMEWORK

34. Removal proceedings are governed under 8 U.S.C. § 1229a, which provides that "[a]n immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien," 8 U.S.C. § 1229a(a)(1) and 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 admitted to the United States." 8 U.S.C. § 1229a(a)(3).

35. To initiate removal proceedings, "written notice (in this section referred to as a 'notice to appear') shall be given in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien's counsel of record, if any)." 8 U.S.C. § 1229(a)(1).

36. The "[a]pprehension and detention of aliens" is governed under 8 U.S.C. § 1226, which provides that:

> On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, **the Attorney General ... may release the alien on bond of at least $1,500 with security approved by, and containing conditions prescribed by, the Attorney General.**

8 U.S.C. § 1226(a)(2)(A) (emphasis added).

37. The regulations provide that, to detain a person under 8 U.S.C. § 1226(a), the Department must issue an I-200 to take a person into custody; and that such a person is subject to release on bond. The regulation states:

(b) Warrant of arrest—

> (1) In general. **At the time of issuance of the notice to appear, or at any time thereafter** and up to the time removal proceedings are completed, the respondent may be arrested and taken into custody under the authority of Form I–200, Warrant of Arrest. A warrant of arrest may be issued only by those immigration officers listed in § 287.5(e)(2) of this chapter and may be served only by those immigration officers listed in § 287.5(e)(3) of this chapter.

> (2) If, after the issuance of a warrant of arrest, a determination is made not to serve it, any officer authorized to issue such warrant may authorize its cancellation.
>
> (c) Custody issues and release procedures—
>
> (1) In general.
>
> (i) After the expiration of the Transition Period Custody Rules (TPCR) set forth in section 303(b)(3) of Div. C of Pub.L. 104–208, no alien described in section 236(c)(1) **of the Act may be released from custody during removal proceedings except pursuant to section 236(c)(2) of the Act.**

8 C.F.R. § 236.1(b).

38. 8 U.S.C. 1226(a) is the default detention authority, and it applies to anyone who is detained "pending a decision on whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a).

39. 8 U.S.C. 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings." Jennings v. Rodriguez, 583 U.S. 281, 289 (2018).

40. 8 U.S.C. § 1226(a) applies not just to persons who are deportable, but also to noncitizens who are inadmissible. Specifically, while § 1226(a) provides the general right to seek release, § 1226(c) carves out discrete categories of noncitizens from being released— including certain categories of

inadmissible noncitizens—and subjects those limited classes of inadmissible aliens instead to mandatory detention. See, e.g., 8 U.S.C. § 1226(c)(1)(A), (C).

41. The Laken Riley Act (LRA) added language to § 1226 that directly references people who have entered without inspection or who are present without authorization. See LAKEN RILEY ACT, PL 119-1, January 29, 2025, 139 Stat 3. Pursuant to these amendments, people charged as inadmissible under § 1182(a)(6)(A) (the inadmissibility ground for entry without inspection) or (a)(7)(A) (the inadmissibility ground for lacking valid documentation to enter the United States) and who have been arrested, charged with, or convicted of certain crimes are subject to § 1226(c)'s mandatory detention provisions. See 8 U.S.C. § 1226(c)(1)(E).

42. By including such individuals under § 1226(c), Congress reaffirmed that § 1226 covers persons charged under § 1182(a)(6)(A) or (a)(7). Generally speaking, grounds of deportability (found in 8 U.S.C. § 1227) apply to people like lawful permanents residents who have been lawfully admitted and continue to have lawful status, while grounds of inadmissibility (found in § 1182) apply to those who have not yet been admitted to the United States. See, e.g., Barton v. Barr, 590 U.S. 222, 234 (2020) ("specific exceptions' to a statute's applicability, it 'proves' that absent those

exceptions, the statute generally applies.") (quoting Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)).

43. The [i]nspection by immigration officers. expedited removal of inadmissible arriving aliens, [and] referral for hearing" is governed under 8 U.S.C. § 1225, which provides that "[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of this chapter an applicant for admission." 8 U.S.C. § 1225(a)(1).

44. "All aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers." 8 U.S.C. § 1225(a)(3).

45. "If an immigration officer determines that an alien … who **is arriving in the United States** … is inadmissible under section 1182(a)(6)(C) or 1182(a)(7) of this title, the officer shall order the alien removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum." 8 U.S.C. § 1225(b)(1)(A)(i) (emphasis added).

46. "If the officer determines at the time of the interview that an alien has a credible fear of persecution … the alien shall be detained for further consideration of the application for asylum." 8 U.S.C. § 1225(b)(1)(B)(ii).

47. "[I]n 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 beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A) (emphasis added).

48. 8 U.S.C. § 1225(b)'s mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible." Jennings v. Rodriguez, 583 U.S. 281, 287 (2018).

49. "Read most naturally, §§ 1225(b)(1) and (b)(2) mandate detention of applicants for admission until certain proceedings have concluded. Until that point, nothing in the statutory text imposes a limit on the length of detention, and neither provision says anything about bond hearings." Jennings v. Rodriguez, 583 U.S. 281, 282 (2018).

50. By regulation, "[a]rriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien

interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport. An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the Act, and even after any such parole is terminated or revoked." 8 C.F.R. § 1.2.

51. "[A]n immigration judge may not redetermine conditions of custody imposed by the Service with respect to … [a]rriving aliens in removal proceedings, including aliens paroled after arrival pursuant to section 212(d)(5) of the Act." 8 C.F.R. § 1003.19(h)(2)(i)(B).

52. As such, arriving aliens are not entitled to bond, nor, arguably, are aliens falling within the confines of 8 U.S.C. § 1225(b).

53. Congress did not intend to subject all people present in the United States after an unlawful entry to mandatory detention if arrested. Prior to Illegal Immigration Reform and Immigration Responsibility Act ("IIRIRA"), which codified both 8 U.S.C. § 1225 and 8 U.S.C. § 1226, aliens present without admission were not necessarily subject to mandatory detention. See 8 U.S.C. § 1252(a)(1) (1994) (authorizing Attorney General to arrest noncitizens for deportability proceedings, which applied to all persons within the United States).

54. In articulating the impact of IIRIRA, Congress noted that the new § 1226(a) merely "restates the current provisions in section 242(a)(1) regarding the authority of the Attorney General to arrest, detain, and release on bond a[] [noncitizen] who is not lawfully in the United States." H.R. Rep. No. 104-469, pt. 1, at 229 (emphasis added). See also H.R. Rep. No. 104-828, at 210 (same).

55. Respondents' longstanding practice of considering people like Petitioner as detained under § 1226(a) further supports reading the statute to apply to them. Typically, DHS issues a person Form I-286, Notice of Custody Determination, or Form I-200, Warrant for Arrest of Alien, stating that the person is detained under § 1226(a) (§ 236 of the INA).

56. As these arrest documents demonstrate, DHS has long acknowledged that § 1226(a) applies to individuals who entered the United States unlawfully, but who were later apprehended within the country's borders long after their entry. Such a longstanding and consistent interpretation "is powerful evidence that interpreting the Act in [this] way is natural and reasonable." Abramski v. United States, 573 U.S. 169, 203 (2014) (Scalia, J., dissenting); See also Bankamerica Corp. v. United States, 462 U.S. 122, 130 (1983) (relying in part on "over 60 years" of government's interpretation and practice to reject its new proposed interpretation of the law at issue).

57. EOIR regulations have long recognized that Petitioner are subject to detention under § 1226(a). Nothing in 8 C.F.R. § 1003.19—the regulatory basis for the immigration court's jurisdiction—provides otherwise.

58. In fact, EOIR confirmed that § 1226(a) applies to Petitioner when it promulgated the regulations governing immigration courts and implementing § 1226 decades ago. At that time, EOIR explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 FR 10312, 10323, 62 FR 10312-01, 10323.

59. Almost every court that considered these questions has ruled contrary to Respondents' interpretation of the law and supplemental authority. See, e.g., Kostak v. Trump, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); Lopez Santos v. Noem, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); Pineda Parada v. Rice, 2025 WL 3146250 (W.D. La. Nov. 4, 2025); Ventura Martinez v. Trump, 3:25-cv-01445 (W.D. La. Oct. 22, 2025); Belsai v. Bondi, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); A.A. v. Olson, 2025 WL 2886729 (D. Minn. Oct. 8, 2025); J.O.E. v. Bondi, 2025 WL 2466670 (D. Minn. Aug. 27, 2025);

Maldonado v. Olson, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); Ferrera Bejarano v. Bondi, 25-cv-03236 (D. Minn. Aug 18, 2025); Aguilar Vazquez v. Bondi, 25-cv-03162 (D. Minn. Aug 19, 2025); Tiburcio Garcia v. Bondi, 25-CV-03219 (D. Minn. Aug. 29, 2025); Herrera Avila v. Bondi, 25-cv-03741 (D. Minn. Oct. 21, 2025); Carmona-Lorenzo v. Trump, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); Cortes Fernandez v. Lyons, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); Palma Perez v. Berg, 2025 WL 2531566 (D. Neb. Sept 3, 2025); Jacinto v. Trump, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); Garcia Jimenez v. Kramer, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); Anicasio v. Kramer, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); Arce v. Trump, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); Giron Reyes v. Lyons, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); Hernandez Marcelo v. Trump, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025); Sampiao v. Hyde, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); Jimenez v. FCI Berlin, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); Doe v. Moniz, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); Romero v. Hyde, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); Martinez v. Hyde, 2025 WL 2084238 (D. Mass. July 24, 2025); dos Santos v. Noem, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); Gomes v. Hyde, 2025 WL 1869299 (D. Mass. July 7, 2025); Chogllo Chafla v. Scott, 2025 WL 2688541 (D. Me. Sept. 22, 2025); Chiliquinga Yumbillo v. Stamper, 2025 WL

2688160 (D. Me. Sept. 19, 2025); Chang Barrios v. Shepley, 2025 WL 2772579 (D. Me. Sept. 29, 2025); Chiliquinga Yumbillo v. Stamper, 2025 WL 2783642 (D. Me. Sept. 30, 2025); Chanaguano Caiza v. Scott, 2025 WL 2806416 (D. Me. Oct. 2, 2025); Ayala Casun v. Hyde, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); Lopez Benitez v. Francis, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); Samb v. Joyce, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); Zumba v. Bondi, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); Leal-Hernandez v. Noem, 2025 WL 2430025 (D. Md. Aug. 24, 2025); Lopez-Arevelo v. Ripa, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); Padron Covarubias v. Vergara, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); Hasan v. Crawford, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); Luna Quispe v. Crawford, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); Quispe-Ardiles v. Noem, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025); S.D.B.B. v. Johnson, WL 2845170 (M.D.N.C. Oct. 7, 2025); Beltran Barrera v. Tindall, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); Singh v. Lewis, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); Sanchez Ballestros v. Noem, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025); Mejia v. Woosley, 2025 WL 2933852 (W.D. Ky. Oct. 15, 2025); Pizarro Reyes v. Raycraft, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); Lopez-Campos v. Raycraft, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); Contreras-Cervantes v. Raycraft, 2025 WL 2952796 (E.D. Mich. Oct. 17,

2025); Morales Chavez v. Director of Detroit Field Office, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025); Sanchez Alvarez v. Noem, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); Alejandro v. Olson, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); B.D.V.S. v. Forestal, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); Ochoa Ochoa v. Noem, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); Rodriguez Vazquez v. Bostock, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); Cuevas Guzman v. Andrews, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); Caicedo Hinestroza v. Kaiser, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); Zaragoza Mosqueda v. Noem, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); Hernandez Nieves v. Kaiser, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); Vasquez Garcia et al. v. Noem, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); Arrazola-Gonzalez v. Noem, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); Lepe v. Andrews, No. 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); Jabara Oliveros v. Kaiser, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); Castellanos v. Kaiser, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); Leon Espinoza v. Kaiser, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); Cordero Pelico v. Kaiser, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); Ortiz Donis v. Chestnut, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); Sabi Polo v. Chestnut, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025); Alvarez Chavez v. Kaiser, 2025 WL 2909526 (N.D. Cal. Oct. 9, 2025); Cerritos Echevarria v. Bondi, 2025 WL

2821282 (D. Ariz. Oct. 3, 2025); Cardin Alvarez v. Rivas, 2025 WL 2898389 (D. Ariz. Oct. 7, 2025); Rosado v. Figueroa, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); Mendoza Guitierrez v. Baltasar, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); Aguilar Merino v. Ripa, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025).

REMEDY

60. Respondents' detention of Villagrana Flores under 8 U.S.C. § 1225(b)(2) violates the Due Process Clause of the United States Constitution. Villagrana Flores's ongoing detention violates the Fifth Amendment's guarantee that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const., Amend. 5.

61. Due Process requires that detention "bear [] a reasonable relation to the purpose for which the individual [was] committed." Zadvydas, v. Davis, 533 U.S. 678, 690 (2001) (citing Jackson v. Indiana, 406 U.S. 715, 738 (1972)).

62. Villagrana Flores seeks immediate release to the extent that Respondents justify his detention on 8 U.S.C. § 1225(b)(2), which plainly does not apply to him.

63. Although neither the Constitution nor the federal habeas statutes delineate the necessary content of habeas relief, I.N.S. v. St. Cyr, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) ("A straightforward reading of [the Suspension

Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus"), implicit in habeas jurisdiction is the power to order release. Boumediene v. Bush, 553 U.S. 723, 779 (2008) ("[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.").

64. The Supreme Court has noted that the typical remedy for unlawful detention is release from detention. See, e.g., Munaf v. Geren, 553 U.S. 674 (2008) ("The typical remedy for [unlawful executive detention] is, of course, release."); See also Wajda v. US, 64 F.3d 385, 389 (8th Cir. 1995) (stating the function of habeas relief under 28 U.S.C. § 2241 "is to obtain release from the duration or fact of present custody.").

65. That courts with habeas jurisdiction have the power to order outright release is justified by the fact that, "habeas corpus is, at its core, an equitable remedy," Schlup v. Delo, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts "[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters 'as law and justice require.'" Hilton v. Braunskill, 481 U.S. 770, 775 (1987), quoting 28 U.S.C. § 2243. An order of release falls under court's broad discretion to fashion relief. See, e.g., Jimenez v. Cronen, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) ("Habeas corpus is an equitable remedy. The

court has the discretion to fashion relief that is fair in the circumstances, including to order an alien's release.").

66. Alternatively, Villagrana Flores requests a constitutionally adequate custody redetermination hearing in which he is not erroneously treated as detained pursuant to 8 U.S.C. § 1225(b)(2) and is instead treated as a detainee under 8 U.S.C. § 1226(a) within seven calendar days.

CAUSE OF ACTION
COUNT ONE: DECLARATORY RELIEF

67. Villagrana Flores re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

68. Villagrana Flores requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Villagrana Flores is not subject to detention under to 8 U.S.C. § 1225(b)(2).

69. Villagrana Flores requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Villagrana Flores is detained pursuant to 8 U.S.C. § 1226(a)(1).

70. Villagrana Flores requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Villagrana Flores is eligible for release from Respondents' custody pursuant to a bond as set forth at 8 U.S.C. § 1226(a)(1).

COUNT TWO: VIOLATION OF THE IMMIGRATION & NATIONALITY ACT – 8 U.S.C. § 1226(a) & 8 U.S.C. § 1225(b)(2)

71. Villagrana Flores re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

72. Section 1226 of Title 8 of the U.S. Code governs the detention of aliens pending a determination of removal from the United States.

73. Such an alien "may [be] release[d] … on bond of at least $1,500." 8 U.S.C. § 1226(a)(2)(A).

74. The denial of Villagrana Flores's bond eligibility is in violation of 8 U.S.C. § 1226(a)(2)(A), which specifically makes him eligible for bond.

75. 8 U.S.C. § 1225(b)(2)(A) cannot apply as it only applies to those "seeking admission" at the time of detention and Petitioner was not "seeking admission at the time he was detained. 8 U.S.C. § 1225(b)(2)(A).

76. If Respondents do not release Villagrana Flores without any conditions, he must be afforded the opportunity to pay a bond amount that the immigration court sets as an alternative finding.

COUNT THREE: VIOLATION OF THE FIFTH AMENDMENT

77. Villagrana Flores re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

78. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and

accompanied by adequate procedures to ensure that detention is serving its legitimate goals.

79. Villagrana Flores is not subject to mandatory custody under the Immigration & Nationality Act and is therefore entitled to a bond hearing in which a neutral arbiter may determine the justification for his continued detention under 8 U.S.C. § 1226(a)(2)(A), the denial of which constitutes a violation of the Fifth Amendment's guarantee of due process.

COUNT FOUR: VIOLATION OF 8 C.F.R. §§ 236.1, 1236.1 AND 1003.19 - UNLAWFUL DENIAL OF RELEASE ON BOND

80. Villagrana Flores re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

81. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at10323 (emphasis added).

82. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before immigration courts under 8 U.S.C. § 1226 and its implementing regulations.

83. Nonetheless, DHS and the Fort Snelling Immigration Court have adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.

84. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Villagrana Flores, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Issue an order restraining Respondents from attempting to move Villagrana Flores from the State of Minnesota during the pendency of this Petition.
3. Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Villagrana Flores.
4. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C. § 153.

5. Order Villagrana Flores's immediate release, or, alternatively, order Respondents to hold a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days.

6. Declare that Respondents' action is arbitrary and capricious.

7. Declare that Respondents failed to adhere to its regulations.

8. Declare that Petitioner's detention absent a bond hearing violates the Due Process Clause of the Fifth Amendment.

9. Grant Villagrana Flores reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

10. Grant all further relief this Court deems just and proper.

DATED: November 26, 2025

Respectfully submitted,

/s/ David Wilson
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Attorneys for Petitioner

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I and others working under my supervision have discussed with the Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

/s/ David L. Wilson Date: November 26, 2025