

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

SAYDI DOMINGO JIMENEZ and JAMILEX  
REBELO-REYES,

*Petitioners,*

**Case No.**

v.

SCOTT LADWIG, in his official capacity as  
Acting Field Office Director of the New Orleans  
Field Office of U.S. Immigration and Customs  
Enforcement, Enforcement and Removal  
Operations;

Warden, South Louisiana ICE Processing Center;

TODD LYONS, in his official capacity as Acting  
Director and Senior Official Performing the Duties  
of the Director of U.S. Immigration and Customs  
Enforcement;

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland Security;  
and

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

*Respondents.*

**VERIFIED PETITION**  
**FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

**PRELIMINARY STATEMENT**

1. Petitioners Saydi Domingo Jimenez and Jamilex Rebelo-Reyes, through counsel, seek a writ of habeas corpus under 28 U.S.C. § 2241, challenging the legality of their continued detention by Immigration and Customs Enforcement (“ICE”).

PARTIES

2. Petitioner Saydi Domingo Jimenez is a 25-year-old woman currently detained by ICE at the South Louisiana ICE Processing Center (“SLIPC”) in Basile, Louisiana. She has been in immigration detention since September 4, 2025, when she was detained at a workplace raid in New York. Ms. Domingo Jimenez is eligible for and intends to file a U-visa application with U.S. Citizenship and Immigration Services (“USCIS”).
3. Jamilex Rebelo-Reyes is a 25-year-old woman currently detained by ICE at SLIPC. She has been in immigration detention since September 4, 2025, when she was detained at a workplace raid in New York. Ms. Rebelo-Reyes is eligible for and intends to file a U-visa application with USCIS.
4. Respondent Scott Ladwig is ICE’s Acting Field Office Director for the New Orleans Field Office of ICE Enforcement and Removal Operations (“NOLA ICE”). As Field Office Director, Respondent Ladwig oversees ICE’s enforcement and removal operations in the New Orleans Area of Responsibility (“AOR”), which includes Louisiana. Petitioners are currently detained within this AOR and, as such, Respondent Ladwig is a legal custodian of Petitioners. He is sued in his official capacity.
5. Respondent Warden is the Warden of the South Louisiana ICE Processing Center (“SLIPC”) in Basile, Louisiana, where Petitioners are currently detained. Respondent Warden is responsible for the operation of SLIPC and is the immediate physical custodian of Petitioners and thus a legal custodian. The Warden is sued in their official capacity.
6. Respondent Todd Lyons is sued in his official capacity as Acting Director of ICE, and as such is a legal custodian of Petitioners.
7. Respondent Kristi Noem is named in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, she is responsible for overseeing

ICE's day-to-day operations, supervising approximately 20,000 ICE employees, including Respondent Lyons. Secretary Noem is the ultimate legal custodian of Petitioners.

8. Respondent Pamela Bondi is the Attorney General of the United States. As Attorney General, Respondent Bondi oversees the immigration court system, including the immigration judges who conduct bond hearings as her designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering Petitioners' removal and bond proceedings, including the standards used in those proceedings, and as such, she is a legal custodian of Petitioners. She is sued in her official capacity.

#### **JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), Art. I § 9, cl. 2 of the U.S. Constitution (Suspension Clause); 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 1651 (All Writs Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act).
10. This Court may grant relief pursuant to 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 2201 (Declaratory Judgment Act).
11. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516-17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (same).

12. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (e)(1) because Petitioners are detained within the Western District of Louisiana, their immediate physical custodian is located within this District, and a substantial part of the events giving rise to this petition occurred and continue to occur within this District.
13. Exhaustion of administrative remedies in the immigration habeas context is prudential, not statutory. *See Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003); *Buenrostro Mendez v. Bondi*, 2025 U.S. Dist. LEXIS 201967 at \*5 (S.D. Tex. Oct. 7, 2025). Exhaustion in this case is excused for multiple reasons. First, exhaustion is futile because the agency has issued a binding, precedent decision that forbids an immigration judge from granting bond to Petitioners. *See Lopez-Arevelo v. Ripa*, 2025 U.S. Dist. LEXIS 188232 at \*31 (W.D. Tex. Sept. 22, 2025) (noting that appealing an IJ’s jurisdictional dismissal of bond is “almost certainly a futile exercise” after the BIA’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)). Second, this petition presents substantial constitutional questions. *See id.* (“[t]o wait, indefinitely, for a ruling on that appeal would be inappropriate because it would exacerbate [the petitioner’s] alleged constitutional injury—detention without a bond hearing.”).

#### **FACTUAL ALLEGATIONS**

14. Ms. Domingo Jimenez came to the United States from Guatemala in 2023. She entered without inspection and began living in Fulton, NY with her cousin, a U.S. citizen.
15. In November 2024, Ms. Domingo Jimenez was assaulted in New York. She reported this crime to the New York State Police and is cooperating in their investigation. Ms. Domingo Jimenez has submitted a request for certification from the New York State Police to enable her to apply for a U visa as a victim of qualifying criminal activity.

Should she be approved for a U visa, Ms. Domingo Jimenez will be eligible to apply to become a legal permanent resident of the United States, and eventually a citizen.

16. Ms. Rebelo-Reyes came to the United States from Ecuador in 2023. She was arrested by immigration officials and then released on recognizance for her removal proceedings.
17. Ms. Rebelo-Reyes was the victim of domestic violence, which she reported to the police in Syracuse, New York. As she remains willing to cooperate in the investigation of her abuser, Ms. Rebelo-Reyes anticipates making a request to the police for certification to enable her to apply for a U visa as a victim of qualifying criminal activity. Like Ms. Domingo Jimenez, Ms. Rebelo-Reyes will become eligible to apply for legal permanent residency in the United States if she is approved for a U visa.
18. Ms. Domingo Jimenez and Ms. Rebelo-Reyes were arrested during an immigration enforcement raid that occurred on September 4, 2025 at their place of employment, Nutrition Bar Confectioners—it appears they were not initial targets of the enforcement operation but were collateral arrests.
19. Immigration authorities initially detained Petitioners in New York and then transferred them to SLIPC, where they remain today.
20. Petitioners are experiencing harmful and punitive conditions at SLIPC. For example they are not provided with pillows to sleep and have limited privacy while sharing a cell with dozens of other detained people. Petitioners are not provided with adequate food and resort to buying food from commissary to avoid being hungry. Some food that they are provided with is expired. For example Ms. Rebelo-Reyes experienced days of stomach pain and vomited, around the same time that multiple of her cellmates became sick.

21. Ms. Domingo Jimenez is scheduled for her next Master Calendar Hearing on December 4, 2025, at which she will be represented by the Worker Justice Center of New York.
22. Ms. Rebelo-Reyes is scheduled for her next Master Calendar Hearing on December 9, 2025, at which she will be represented by the Worker Justice Center of New York.

### **LEGAL FRAMEWORK**

#### **A. Petitioners are Being Subjected to Unlawful Mandatory Detention, in Violation of the Immigration and Nationality Act (“INA”) and Federal Regulations**

23. Ms. Domingo Jimenez and Ms. Rebelo-Reyes are unlawfully detained at SLIPC because Respondents have, upon information and belief, concluded that they are subject to mandatory detention and, therefore, an immigration judge cannot assess the merits of their request for release from detention.
24. The Executive Office for Immigration Review (“EOIR”) has recently issued a precedent decision holding that an immigration judge has no authority to consider bond requests for *any* person who entered the United States without admission, as all such persons are detained under 8 U.S.C. § 1225(b)(2)(A) and therefore the immigration court lacks authority to assess eligibility to release on bond. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). This interpretation, which contravenes decades of prior case law, has been soundly rejected by the vast majority of federal courts around the country to consider it. *See infra* ¶¶ 35-37.
25. Petitioners’ detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Ms. Domingo Jimenez and Ms. Rebelo-Reyes, who previously entered and have been residing in the United States. Instead, such individuals are subject to a different statute, 8 U.S.C. § 1226(a), that allows for release on recognizance or bond.

26. The INA describes three detention authorities that pertain to the majority of detained noncitizens in removal proceedings.
27. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge. *See* 8 U.S.C. § 1229a; *see also Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (“Section 1226(a) sets out the default rule: The Attorney General may issue a warrant for the arrest and detention of [a noncitizen] ‘pending a decision on whether the [noncitizen] is to be removed . . . [and] [e]xcept as provided in [1226(c)],’ the Attorney General ‘may release’ [a noncitizen] detained under § 1226(a) ‘on . . . bond’”). Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
28. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals who are “seeking admission,” described under § 1225(b)(2).
29. Lastly, the INA also provides for detention of noncitizens who have a final administrative order of removal, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).
30. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2). These provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a)

was most recently amended in early 2025 by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

31. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
32. As a result, for nearly 30 years, most people who entered without inspection, and were later detained and placed in removal proceedings, received bond hearings upon request, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at the prior § 1252(a)).
33. On July 8, 2025, ICE, “in coordination with” the Department of Justice (DOJ), announced a new policy that rejected the well-established understanding of the statutory framework and reversed decades of practice. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”<sup>1</sup> claimed that all persons who entered the United States without inspection were now subject to no-bond detention under § 1225(b)(2)(A). The policy purports to apply regardless of when a person is

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

apprehended and affects those who have resided in the United States for months, years, and even decades.

34. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.
35. Since Respondents adopted these new policies, the majority of federal courts in the Fifth Circuit have rejected their new interpretation of the INA's detention authorities. *See 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); *Ventura Martinez v. Trump* (W.D. La. Oct. 22, 2025); *Buenrostro Mendez v. Bondi*, 2025 U.S. Dist. LEXIS 201967 at \*6 (S.D. Tex. Oct. 7, 2025), *Padron Covarrubias v. Vergara*, 5:25-CV-112 (S.D. Tex. Oct. 8, 2025).
36. Similarly, dozens of district courts around the country have uniformly rejected this interpretation. *See, e.g., Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d ---, 2025 WL 2782499, at \*1 n.3 (W.D. Wash. Sept. 30, 2025) (citing over 20 district court decisions rejecting the government's position); *Ochoa Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779, at \*5 (N.D. Ill. Oct. 16, 2025) (collecting 20 cases in note 8 and accompanying discussion); *see also Hyppolite v. Noem et al.*, 2025 WL 2829511, at \*12 (E.D.N.Y. Oct. 6, 2025) (noting that the government conceded at oral argument that they were not "aware of any Article III court that had adopted their interpretation" of the statute); *Padron Covarrubias v. Vergara*, 5:25-cv-00112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Cruz Gutierrez v. Thompson*, 2025 WL 3187521 (S.D. Tex. Nov. 14,

2025); *Zafra v. Noem*, EP-25-CV-00541-DB, 2025 U.S. Dist. LEXIS 228645 (W.D. Tex., Nov. 20, 2025).

37. Courts have almost uniformly rejected DHS's and DOJ's new interpretation, because it defies the plain text of the INA. *See Mugliza Castillo v. Lyons*, No. 25-cv-16219 (MEF), 2025 WL 2940990, at \*1 (D.N.J. Oct. 10, 2025) ("But as a matter of plain-text reading, it is § 1226(a) that applies to people situated like the Petitioner, not § 1225(b)(2)(A)."). Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a). These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]." 8 U.S.C. § 1229a(a)(1). *See also Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (pending motion for class certification of a "Bond Eligible Class," granting partial summary judgment because *Hurtado* "unacceptably collapse[s] § 1226 into nonexistence under a wide-reaching interpretation of 'applicants for admission'").
38. The text of § 1226 explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at \*7 (D.

Mass. July 7, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379, at \*8 (E.D. Mich. Aug. 29, 2025).

39. As district courts have found, the statutory bars to a bond hearing for inadmissible noncitizens with specific types of criminal history would all be rendered surplusage if in fact, *no* inadmissible noncitizens were eligible for bond. See *Artiga-Morales v. Bondi*, 2025 WL 2829434, at \*7 (E.D.N.Y. Oct. 5, 2025); *Hyppolite*, 2025 WL 2829511, at \*10.
40. In contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). See *Rivera Zumba v. Bondi*, 2025 WL 2753496, at \*8 (D.N.J. Sept. 26, 2025). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings*, 583 U.S. at 287.
41. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioners who have already entered and were residing in the United States at the time they were detained.

**B. Petitioners’ Detention Without a Bond Hearing Violates the Procedural and Substantive Due Process Requirements of the Fifth Amendment**

42. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment— from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the

Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001).

43. Procedural due process requires a custody hearing before an independent and impartial adjudicator. *See Marcello v. Bonds*, 39 U.S. 302, 307 (1955). In determining how much process is due noncitizens challenging ICE custody, courts balance “1) the private interest affected by the government action; 2) the risk that current procedures will cause an erroneous deprivation of the private interest, and the extent to which that risk could be reduced by additional safeguards; and 3) the government’s interest in maintaining the current procedures, including the function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail.” *Maniar v. Warden Pine Prairie Corr. Ctr.*, No. 6:18-CV-00544, 2018 WL 11544220, at \*2 (W.D. La. July 11, 2018).
44. Petitioners’ liberty interest is significant as “[t]he interest in being free from physical detention” is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioners, who both have minor children, also have a compelling interest in family integrity. *See Martinez v. Noem*, No. 5:25-CV-01007-JKP, 2025 WL 2598379, at \*2 (W.D. Tex. Sept. 8, 2025). DOJ’s refusal to provide Petitioners with a bond hearing is keeping them detained and away from their families.
45. The risk of erroneous deprivation without a hearing is high. The purpose of immigration detention is to prevent dangerous noncitizens from harming members of the community and to prevent flight during removal proceedings. *Zadvydas*, 533 U.S. at 690-91; *Demore*, 538 U.S. at 527-28. Because “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception,” mandatory detention in situations

other than those explicitly authorized by Congress “turns these well-established procedural principles on their heads and carries a significant risk of erroneous deprivation.” *Martinez*, 2025 WL 2598379, at \*3. Detention without a hearing means that noncitizens are not provided with “an opportunity to contest the existence, nature, or significance of” any violations or an individualized assessment from a neutral arbiter. *Lopez-Arevelo v. Ripa*, 2025 WL 2691828, at \*11 (W.D. Tex. Sept. 22, 2025). Detention without these protections runs a unacceptably high risk of depriving the liberty of non-dangerous individuals who present minimal flight risks. *Id.*

46. A restraint on liberty is only permissible if it serves a “legitimate nonpunitive objective.” *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *Zadvydass v. Davis*, 533 U.S. at 690-92 (discussing constitutional limitations on civil detention). Petitioners’ detention does not serve these regulatory purposes and so violates Petitioners’ rights to substantive due process under the Fifth Amendment.

47. Congress has crafted a framework over the last several decades for the application of immigration laws to noncitizen victims of serious crimes. In 2000, Congress created a vehicle for permanent residence, the “U-Visa,” for noncitizen survivors of certain serious crimes who help law enforcement prosecute those crimes. *See* VAWA 2000, § 1513(a)(2)(B); 8 USC § 1101(a)(15)(U). Congress’s express aim in doing so was to improve public safety for all people by encouraging noncitizen crime victims to come forward without fear of deportation. *See id.* § 1513(a)(2).

48. Petitioners are each victims of qualifying offenses for a U-Visa under 8 USC § 1101(a)(15)(iii), 8 C.F.R. 214.14(9). The New York State Troopers have already indicated their willingness to issue Ms. Domingo Jimenez a Supplement B form confirming her cooperation in the investigation of her assailant. Ms. Rebelo-Reyes received a restraining order against her abusive ex-partner through the cooperation of law enforcement, who will likely support her U-Visa application. Petitioners' lawyers in New York are prepared to apply for their U-visas, but face barriers in doing so given their detention in Louisiana, as the need to mediate all interaction with Petitioners through staff at the detention center makes it difficult to review documents contemporaneously, and creates scheduling delays every time communication is needed.
49. Because there is a statutory cap of 10,000 visas per year, U-visa applications can take many years to adjudicate, and holding Petitioners in detention for that duration would be an extreme violation of their rights. Given the critical public interest involved, Congress has taken steps to protect eligible U-visa applicants from removal while their petitions are pending. 8 U.S.C. §§ 1227 (d)(1)-(3) (authorizing DHS to issue a stay of removal against a U visa petitioner); 8 USC §§ 1184(p)(6) (authorizing employment for U visa petitioners with a "pending, bona fide application").

### **C. Remedies in Immigration Habeas Petitions**

50. The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020). The most appropriate remedy to directly resolve the ongoing constitutional violations both women are experiencing, and to prevent any further deterioration in their health, is to require Petitioners' release on

recognizance without the use of alternatives to detention or other conditions, and to enjoin DHS from re-detaining them without justification.

In the alternative, the habeas court may require Respondents to conduct bond hearings for Petitioners with procedural safeguards requiring the government to bear the burden of justifying Petitioners' continued detention. A growing consensus of courts have remedied DOJ's 8 U.S.C. § 1225(a) / 8 U.S.C. § 1225(b) misclassification by "ordering a bond hearing, at which the Government bears the burden of justifying the immigration habeas petitioner's continued detention by clear and convincing evidence." *Lopez-Arevelo*, WL 2691828, at \*13 (collecting cases). Additional safeguards would reduce the risk of erroneous deprivation as a bond hearing "will allow an immigration judge conducting a bond hearing to make a determination on specific facts whether continued detention is necessary to ensure presence at removal hearings and safety for the community." *Vieira v. Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880, at \*7 (W.D. Tex. Oct. 16, 2025).

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Violation of the Immigration and Nationality Act**

51. Petitioners incorporate by reference the allegations in the preceding paragraphs.
52. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States, such as Petitioners.
53. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention without review and violates the INA.

**COUNT II**  
**Violation of the Bond Regulations**

67. Petitioners incorporate by reference the allegations of fact set forth in preceding paragraphs.
68. 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. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.
69. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individual like Petitioners.
70. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

**COUNT III**  
**Fifth Amendment: Violation of Procedural Due Process**

71. Petitioners incorporate by reference the allegations in the preceding paragraphs.
72. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,

detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioners have a fundamental interest in liberty and being free from official restraint.

#### **COUNT IV**

##### **Fifth Amendment: Violation of Substantive Due Process**

73. Petitioners incorporate by reference the allegations in the preceding paragraphs.
74. Immigration detention is civil, not punitive, and must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore*, 538 U.S. at 527. (citing *Zadvydas*, 533 U.S. at 690). The Supreme Court has stated that the purpose of civil detention in this context is to “ensur[e] the appearance of aliens at future proceedings,” *Zadvydas*, 533 U.S. at 690, and to prevent flight, *Demore*, 538 U.S. at 528. Petitioners’ detention does not serve the purposes of civil detention as they pose no risk of flight or danger to the community.
75. Petitioners’ continued detention without a bond hearing violates their substantive due process rights. Moreover, the conditions of their confinement render their detention impermissibly punitive, in violation of their substantive due process rights.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioners respectfully request that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Declare that the refusal to allow Petitioner a bond redetermination hearing before an immigration judge violates the INA, and Fifth Amendment’s guarantee of Due Process;

- (3) Issue a writ of habeas corpus requiring that Respondents release Petitioners immediately without further restraints on their liberty; or, in the alternative, requiring that within 5 days, Respondents conduct bond hearings on the merits for Petitioners with procedural safeguards requiring the government to bear the burden of justifying Petitioner's continued detention by clear and convincing evidence.
- (4) Order further relief as this Court deems just and appropriate.

Dated: 11/26/2025

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**28 U.S.C. § 2242 VERIFICATION STATEMENT**

I am submitting this verification on behalf of the Petitioners because I am one of the Petitioners' attorneys. I have discussed with Petitioners the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.



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