

1 Erica Sanchez, Of Counsel
2 Shefer Law Firm, P.A.
3 800 SE 4th. Ave #803
4 Hallandale Beach, Florida 33009
5 Telephone: (480) 866-1111
6 erica@shefer.legal
7 Arizona Bar #027107
8 Attorney for Respondent

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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Julio Armando Laurean-Ayala,
Petitioner,

v.

Kristi Noem, Secretary of the United States Department of Homeland Security, in her official capacity; **Todd Lyons**, Acting of the Director of U.S. Immigration and Customs Enforcement, in his official capacity; **John Cantu**, Field Office Director for ICE's Enforcement and Removal Operation's ("ERO") Phoenix, Arizona Field Office, in his official capacity; **Sirce Owen**, Acting Director of Executive Office for Immigration Review, in her official capacity; **Fred Figueroa**, Warden, Eloy Federal Detention Center,

Respondents.

Case No.

A No. 

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

INTRODUCTION

The Respondents are unlawfully detaining Petitioner Julio Armando Laurean-Ayala at Eloy Federal Correctional Facility in Eloy, Arizona because the Department of Homeland Security (DHS) recently changed its long-standing position with regard to mandatory detention. See, ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission filed herewith as Exhibit 1. The Bureau of Immigration Appeals

1 (BIA) issued a precedential decision on September 5, 2025, holding that all noncitizens
2 present in the United States without admission – no matter how long they have resided
3 here – are still “applicants for admission” under 8 U.S.C. § 1225(a) and not entitled to bond
4 hearings because they are subject to mandatory detention under § 1225(b)(2)(A). See,
5 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025) filed herewith as Exhibit 2.
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7 But this interpretation of the Immigration and Naturalization Act (INA) violates both
8 procedural and substantive Fifth Amendment protections, ignores the plain statutory
9 language of both § 1225 and § 1226, and is contrary to numerous recent Federal Court
10 decisions in this District that have rejected these exact arguments. See e.g. 10/3/2025
11 Order entered in *Francisco Echevarria v. Pam Bondi, et al.*, CV-25-03252-PHX-DWL
12 (ESW), (D. Ariz. 10/3/2025), filed herewith as Exhibit 3.
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14 Here, Petitioner has been living in the United States for 29 years, since he last
15 entered the United States in 1996; has 4 U.S. citizen children born in Arizona; has worked
16 steadily and contributed to the economy of Arizona; and has submitted proof of his family
17 and community support. See, Petitioner’s Affidavit, filed herewith as Exhibit 4 and
18 Petitioner’s Evidence in Support of Bond Hearing, filed herewith as Exhibit 7. Further,
19 when Respondents issued a Notice to Appear, it identified Petitioner as an “alien present
20 in the United States” despite “arriving alien” being an option. See, Petitioner’s Notice to
21 Appear, filed herewith as Exhibit 5.
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23 In addition to BIA decisions not being binding precedent upon this Court, the
24 Supreme Court decision last year in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369,
25 400 (2024), made clear that federal courts must independently interpret statutes and no
26 longer defer under so-called “*Chevron* deference.” This Court is therefore in the best
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1 position to determine whether the Respondents are misinterpreting the relevant federal
2 statutes and improperly denying alien detainees bond hearings on the grounds that they
3 are subject to mandatory detention under § 1225(b)(2)(A). The petition for writ of habeas
4 corpus should be granted.

5 6 JURISDICTION & CUSTODY

7 1. Petitioner Julio Armando Laurean-Ayala is in the physical custody of
8 Respondents and Immigration and Customs Enforcement (ICE), an agency within the
9 Department of Homeland Security.

10 2. Petitioner is currently detained at the Eloy Federal Correctional Facility,
11 Eloy, Arizona and is under the direct control of Respondents and their agents.

12 3. This action arises under the Constitution of the United States and 8
13 U.S.C. § 1101 *et seq.*

14 4. This Court has jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the
15 United States Constitution, 28 U.S.C. § 1331, and the common law. This Court may
16 grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. §
17 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

18 5. Congress has preserved judicial review of challenges to immigration
19 detention. *See Jennings v. Rodriguez*, 583 U.S. 122, 130-131 (2018) (holding that 8
20 U.S.C. §§ 1226(e) and 1252(b)(9) do not bar review of challenges to prolonged
21 immigration detention).

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


3 7. The Court has inherent power to release the petitioner pending review
4 of his petition. *See Martin v. Solem*, 801 F.2d 324, 329 (8th Cir. 1986).

6 VENUE

7 8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
8 484, 493- 500 (1973), venue lies in this Court, the federal judicial district in which
9 Petitioner is currently is in custody.

10 9. Venue is also properly in this Court pursuant to 18 U.S.C. § 1391(e)
11 because Respondents are employees, officers, and agencies of the United States.

13 PARTIES

14 10. Petitioner Julio Armando Laurean-Ayala was born on  in
15 Mexico City, Mexico and he is currently detained by ICE at Eloy Federal Correctional
16 Facility, Eloy, Arizona. *See*, Petitioner's Affidavit, filed herewith as Exhibit 4.

17 11. Respondent Kristi Noem is the Secretary of the U.S. Department of
18 Homeland Security ("DHS"). In this capacity, Respondent Noem is a legal custodian of
19 Petitioner. Respondent Noem is sued in her official capacity.

20 12. Respondent DHS is a federal executive agency responsible for, among
21 other things, enforcing federal immigration laws and overseeing lawful immigration to the
22 United States. Respondent DHS is a legal custodian of Petitioner.

23 13. Respondent Todd M. Lyons is Acting Director and Senior Official
24 Performing the Duties of the Director of U.S. Immigration and Customs Enforcement
25 ("ICE"). Respondent Lyons is responsible for ICE's policies, practices, and procedures,
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1 including those relating to the detention of immigrants during their removal procedures.
2 Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his
3 official capacity.


4 14. Respondent ICE is a federal law enforcement agency within DHS.
5 Respondent ICE is responsible for the enforcement of immigration laws, including the
6 detention and removal of immigrants. Respondent ICE is a legal custodian of Petitioner.
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8 15. Respondent John Cantu is Field Office Director for ICE's Enforcement
9 and Removal Operation's ("ERO") Phoenix, Arizona Field Office. Respondent Cantu is a
10 legal custodian of Petitioner. Respondent Cantu is sued in his official capacity.
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12 16. Respondent Fred Figueroa is the Warden of the Eloy Detention Center
13 in Eloy, Arizona. Respondent Figueroa is a legal custodian of Petitioner and is sued in
14 his official capacity.

15 17. Respondent Sirce Owen is the Acting Director of the Executive Office
16 for Immigration Review (EOIR), a federal agency within the U.S. Department of Justice.
17 Respondent EOIR is responsible for the administration of immigration courts, and
18 acceptance of forms and petitions related to adjudication of immigration claims, as well
19 as motions for bond. Respondent Sirce Owen is sued in her official capacity.
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21 **STATEMENT OF FACTS**

22 18. Petitioner Julio Armando Laurean-Ayala was born on  in
23 Mexico City, Mexico. See, Petitioner's Affidavit, filed herewith as Exhibit 4 and birth
24 certificate attached to Petitioner's Evidence in Support of Bond Hearing, filed herewith as
25 Exhibit 7.
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27 19. Petitioner last entered the United States in 1996. *Id.*
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1 read these statutes “against [that] backdrop.” See *Hewitt v. United States*, 605 U.S. —,
2 145 S. Ct. 2165, 2173 (2025).

3 28. Due process thus requires “adequate procedural protections” to ensure
4 that the government’s asserted justification for a noncitizen’s physical confinement
5 “outweighs the individual’s constitutionally protected interest in avoiding physical
6 restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

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8 29. In the immigration context, the Supreme Court has recognized only two
9 valid purposes for civil detention: to mitigate the risks of danger to the community and to
10 prevent flight. *Id.*; *Demore*, 538 U.S. at 528. The government may not detain a
11 noncitizen based on any other justification.

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13 30. Congress has granted the Attorney General discretion to decide
14 whether to detain or release certain noncitizens pending a removal decision. See 8
15 U.S.C. § 1226(a). The Attorney General has delegated that authority to IJs. 8 C.F.R. §§
16 1003.19, 1236.1.

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18 31. On July 8, 2025, DHS adopted a new policy on mandatory detention for
19 noncitizens who have been residing in the United States. See, ICE Memo: Interim
20 Guidance Regarding Detention Authority for Applications for Admission filed herewith as
21 Exhibit 1.

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23 32. On September 5, 2025, the BIA entered the precedential decision
24 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025), filed herewith as Exhibit 2,
25 which holds that all noncitizens who enter without inspection are “applicants for
26 admission” under 8 U.S.C. § 1225(a) and therefore subject to mandatory detention
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1 under § 1225(b)(2), without regard for the length of time they have lived in the United
2 States.

3 33. The Ninth Circuit has held that § 1226(a) is the “default” detention
4 statute for aliens in removal proceedings “[8 U.S.C. §1226(a) (“Subsection A”)] is the
5 default detention statute for noncitizens in removal proceedings and applies to
6 noncitizens “[e]xcept as provided in [Subsection C].” 8 U.S.C. § 1226(a).” *Avilez v.*
7 *Garland*, 69 F. 4th 525, 529-530 (9th Cir. 2022). *Accord, Rodriguez Diaz v. Garland*, 83
8 F. 4th 1177, 1179 (9th Cir. 2023); *Sarr v. Scott*, 765 F. Supp. 3d 1091, 1095 (WD Wash.
9 2025); *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057 (9th Cir. 2008). *Casas-Castrillon v.*
10 *DHS*, 535 F.3d 942 (9th Cir. 2008).

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13 34. Almost every Federal District Court that has considered the issue has
14 found that DHS’s interpretation defies the INA. In Arizona, the following decisions so
15 find and collect the cases from other district courts around the country:

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17 1) Order granting habeas in *Rodrigues da Silva v. Figueroa, et al.*, Case No.
18 25-cv-04015-PHX (D. Ariz. 11-18-25)(“dozens of other district courts
19 have concluded individuals like Petitioner are subject to § 1226 and not
20 § 1225 and, therefore, are not subject to mandatory detention”), gathering cases,
21 filed herewith as Exhibit 9;
- 22 2) Order granting habeas in *Perez Rodriguez v. Noem, et al.*, Case No. 25-cv-
23 03921-PHX (D. Ariz. 11/13/2025)(“the vast majority of courts concluded
24 individuals like Petitioner are subject to § 1226 and not § 1225 and,
25 therefore, are not subject to mandatory detention”), gathering cases,
26 filed herewith as Exhibit 10;
- 27 3) Order granting habeas in *Gonzalez Rodriguez v. Bondi, et al.*, Case No. 25-
28 cv-03917-PHX (D. Ariz. 11-6-25)(“dozens of other district courts have
concluded individuals like Petitioner are subject to § 1226 and not §
1225 and, therefore, are not subject to mandatory detention”), gathering
cases, filed herewith as Exhibit 11;

- 1 4) Order granting habeas in *Abrego-Zarate v. Noem, et al.*, Case No. 25-cv-
2 03564-KML (D. Ariz. 11-6-25)(“in accord with numerous other courts
3 addressing the same issue—‘Respondents’ narrow focus on the
4 language of § 1225(a)(1) fails to take account of the entirety of the
5 statutory scheme...” *citing to Echevarria v. Bondi, et al.*, CV-25-03252-
6 PHX-DWL (ESW), 2025 WL 2821282, at *9 (D. Ariz. October 3, 2025)),
7 filed with the Habeas Petition as Exhibit 12;
- 8 5) Order granting habeas in *Garcia-Rosales v. Noem, et al.*, No. 2:25-cv-
9 03391-SHD-DMF at page 2 (D. Ariz. Oct. 22, 2025)(“while Respondents
10 point to two district court opinions adopting their interpretation of §
11 1225(b)(2)(A), myriad other district courts have reached the same
12 conclusion as *Echevarria* and held individuals like Petitioner are not
13 subject to mandatory detention under 1225(b)(2)(A)”), filed with the
14 Habeas Petition as Exhibit 13;
- 15 6) Order granting habeas corpus in *Benitez-Cornejo v. Cantu, et al.*, No. 2:25-
16 cv-03672 (D. Arizona Oct. 17, 2025)(“individuals like Petitioner are not
17 “arriving aliens” subject to mandatory detention but, rather, are subject
18 tot he general removal statute, 8 U.S.C. § 1226(a)”), filed with the
19 Habeas Petition as Exhibit 14;
- 20 7) Order granting habeas entered in *Hector Lopez-Melo v. Bondi, et al.*, Case
21 No. Case 2:25-cv-03394-DJH--JZB (D. Ariz. 10/9/2025)(“petitioner, who
22 had been present in the United States for years, was not an applicant
23 for admission under 1225(b)(2)(A) or subject to mandatory detention”);
24 filed with the Habeas Petition as Exhibit 15.
- 25 8) Order granting habeas corpus in *Bo Li v. Cantu, et al.*, No. CV-25-02989-
26 PHX-SPL (D Arizona 10/07/2025)(“Respondents maintain he is subject
27 to mandatory detention under 1225(b)(2). Again, Respondents are
28 mistaken.”); filed with the Habeas Petition as Exhibit 16
- 9) Magistrate’s Report and Recommendation in *Rocha Rosado v. Figueroa*,
No. CV-25-02157-PHX-DLR 2025 WL 2349133 at *10 (D. Ariz. Aug. 13,
2025)(Magistrate’s Report and Recommendation Adopted at 2025 WL
2349133)([t]he text of § 1226, the canons of statutory interpretation, this
section’s legislative history, and longstanding agency practice indicate
that Rosado is subject to § 1226(a)’s ‘default’ rule for discretionary
detention rather than § 1225’s mandatory detention requirement, and
that the IJ erred by finding they did not have jurisdiction to consider
Rosado’s detention.”) *report and recommendation adopted sub nom.*
2025 WL 2349133 (D. Ariz. Aug. 13, 2025); filed with the Habeas
Petition as Exhibit 17.

1 35. Petitioner has located only 5 cases holding to the contrary. In *Vargas*
2 *Lopez v. Trump*, --F. Supp. 3d--, 2025 WL 2780351 (D. Neb. Sept. 30, 2025), the court
3 held that Vargas Lopez failed to meet his burden to show that he falls under § 1226(a),
4 so "his Petition fails regardless of the parties' arguments about the scope of § 1225(b)
5 and § 1226(a)." *Vargas Lopez v. Trump*, 2025 WL 2780351 at *7 (emphasis added). In
6 *Chavez v. Noem*, -- F. Supp. 3d --, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025), the
7 court denied a temporary restraining order on the grounds that the petitioners had "not
8 demonstrated serious questions about the application of Section 1225 to aliens present
9 in the United States." *Chavez v. Noem*, 2025 WL 2730228 at *4. However, the court
10 spent less than 2 pages analyzing the statutory language and caselaw before concluding
11 that "Petitioners have not shown either a likelihood of success or serious questions
12 going to the merits [therefore] we do not address the remaining Winter factors." *Chavez*
13 *v. Noem*, 2025 WL 2730228 at *5. *Mejia Olalde v. Noem*, 2025 U.S. Dist. LEXIS 221830
14 (E.D. Mo. Nov. 10, 2025) was concerned with whether the habeas petition had been
15 properly filed in that court's jurisdiction and never reached the application of § 1225(b) to
16 the petitioner. *Pipa-Aquise v. Bondi*, No. 25-1094, 2025 WL 2490657 (E.D. Va. Aug. 5,
17 2025) and *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025)
18 were each shorter than two pages long and neither contained any significant analysis.
19 Thus, none of these cases are particularly instructive.

20 36. In 1997, after Congress amended the INA through the Illegal
21 Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), EOIR and the
22 then-Immigration and Naturalization Service issued an interim rule to interpret and apply
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

1
2 I represent Petitioner Julio Armando Laurean-Ayala and submit this verification on
3 his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ
4 of Habeas Corpus are true and correct to the best of my knowledge.
5

6
7 Dated: 26th day of November, 2025

8 Attorney for Respondent

9 By: /s/ Erica Sanchez
10 Erica Sanchez, Of Counsel
11 Shefer Law Firm, P.A.
12 800 SE 4th. Ave #803
13 Hallandale Beach, Florida 33009
14 Telephone: (480) 866-1111
15 erica@shefer.legal
16 Arizona Bar #027107
17 Attorney for Respondent
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LIST OF EXHIBITS

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2		LIST OF EXHIBITS
3	Exhibit 1	<u>ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission</u> (last visited September 8, 2025).
4	Exhibit 2	<i>Matter of Yajure Hurtado</i> , 29 I&N Dec. 216 (B.I.A. 2025).
5	Exhibit 3	10/3/2025 Order entered in <i>Francisco Echevarria v. Pam Bondi, et al.</i> , CV-25-03252-PHX-DWL (ESW), (D. Ariz. 10/3/2025)
6	Exhibit 4	Petitioner's Affidavit
7	Exhibit 5	Notice to Appear
8	Exhibit 6	ICE Locator Page dated 11/24/2025
9	Exhibit 7	Petitioner's Bond Hearing Exhibits
10	Exhibit 8	DHS Bond Hearing Exhibits
11	Exhibit 9	Order granting habeas in <i>Rodrigues da Silva v. Figueroa, et al.</i> , Case No. 25-cv-04015-PHX (D. Ariz. 11-18-25)
12	Exhibit 10	<i>Perez Rodriguez v. Noem, et al.</i> , Case No. 25-cv-03921-PHX (D. Ariz. 11/13/2025)
13	Exhibit 11	<i>Gonzalez Rodriguez v. Bondi, et al.</i> , Case No. 25-cv-03917-PHX (D. Ariz. 11-6-25)
14	Exhibit 12	11-6-2025 Order entered in <i>Abrego-Zarate v. Noem, et al.</i> , Case No. 25-cv-03564-KML (D. Ariz. 11-6-25)
15	Exhibit 13	10/22/2025 Order entered in <i>Lopez-Cruz v. Noem, et al.</i> , No. 2:25-cv-03566-DJH--ASB (D. Ariz. 11/3/2025)
16	Exhibit 14	10/22/2025 Order entered in <i>Garcia-Rosales v. Noem, et al.</i> , No. 2:25-cv-03391-SHD—DMF (D. Ariz. Oct. 22, 2025)
17	Exhibit 15	10/17/2025 Order granting habeas corpus in <i>Benitez-Cornejo v. Cantu, et al.</i> , No. 2:25-cv-03672 (D. Arizona Oct. 17, 2025)
18	Exhibit 16	10/9/2025 Order entered in <i>Hector Lopez-Melo v. Bondi, et. al.</i> , Case No. Case 2:25-cv-03394-DJH--JZB [docket no. 11] (D.C. Ariz. 10/9/2025)
19	Exhibit 17	10/07/2025 Order granting habeas corpus in <i>Bo Li v. Cantu, et al.</i> , No. CV-25-02989-PHX-SPL (D Arizona 0/07/2025)
20	Exhibit 18	10/3/2025 Order entered in <i>Francisco Echevarria v. Pam Bondi, et al.</i> , CV-25-03252-PHX-DWL (ESW), (D. Ariz. 10/3/2025)
21	Exhibit 19	8/13/2025 Magistrate's Report and Recommendation in <i>Rocha Rosado v. Figueroa</i> , No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025)
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