

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Augusto Ramon Mateo,**

Petitioners/Plaintiff, v.

**KRISTI NOEM**, in their official capacity as Secretary of the United States Department of Homeland Security;

**E.K. CARLTON** in their official capacity as Warden, Federal Detention Center, Miami;

**PAMELA BONDI**, in their official capacity as Attorney General of the United States;

**GARRET RIPA**, in their official capacity as, Director of Miami Field Office, U.S. Immigration and Customs Enforcement;

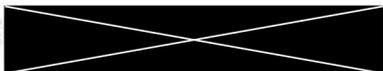
**TODD LYONS**, in their official capacity as Acting Director of Immigration and Customs Enforcement;

**CHARLES PARRA**, in their official capacity as Assistant Field Office Director for the Krome North Service;

Respondents-Defendants.

**Case NO.**

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**A#** 

## PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner, Augusto Ramon Mateo, submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to compel his release from custody, as his current civil immigration detention violates the Due Process Clause of the United States Constitution and the Administrative Procedure Act.

### INTRODUCTION

1. Petitioner respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his continued and unlawful detention by United States Immigration and Customs Enforcement (“ICE”). Petitioner seeks immediate release, or in the alternative, a constitutionally adequate bond hearing.
2. Petitioner, Augusto Ramon Mateo, is a Native and Citizen of Guatemala. He is currently 34 years old, as his date of birth is ~~XXXXXXXXXX~~ Exhibit A – Guatemalan Passport.
3. Petitioner was detained in September of 2025. He was thereafter transferred into the Custody of the Department of Homeland Security (“DHS”) and has remained in civil detention in the custody of Immigration and Customs Enforcement (“ICE”) at Florida Detention Center, Miami also commonly referred to as FDC Miami.
4. Petitioner has resided in the United States for approximately one (1) year. Prior to his detention, Petitioner lived with his brother in Bradenton, Florida, with his other brother living nearby. His ongoing detention imposes a severe hardship on his family by depriving his family of his supportive presence.
5. Petitioner’s ongoing detention violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, and governing Supreme Court precedent.

6. This petition challenges the government's ongoing violation of Petitioner's statutory and constitutional rights. ICE's continued detention of Petitioner despite his pending Asylum Application, and absence of any public safety threat violates the Immigration and Nationality Act ("INA"), which limits civil detention to reasonable periods and lawful purposes, as well as the Due Process Clause of the Fifth Amendment, which prohibits punitive or arbitrary detention.
7. Petitioner's continued detention has become punitive in nature, violating the Due Process Clause of the Fifth Amendment. Civil detention is permissible only so long as it serves a legitimate immigration purpose, such as ensuring appearance or protecting the public.
8. His prolonged detention despite his strong family ties bears no reasonable relation to those purposes and instead operates as punishment. Such punitive confinement is unconstitutional in the context of civil immigration.
9. Petitioner's continued detention is unlawful because it (1) exceeds the scope of detention authority permitted under the INA, and (2) violates the Fifth Amendment's Due Process Clause by subjecting him to punitive and indefinite confinement.
10. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order Petitioner's release from custody, with appropriate conditions of supervision if necessary. In the alternative, Petitioner requests that this Court conduct or order an immigration judge to conduct a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) the reviewing court considers alternatives to detention that could mitigate risk of flight. Continued detention under these circumstances serves no legitimate governmental purpose and violates the humanitarian and constitutional principles that govern civil immigration custody.

11. In *Matter of Yajure Hurtado*, the Board of Immigration Appeals (“BIA”) held that immigration judges have no authority to consider bond requests from noncitizens who entered the United States without inspection “because aliens who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings.” 29 I&N Dec. 216, 220 (B.I.A. 2025).
12. The Plaintiff need not exhaust administrative remedies if “the administrative body is shown to be biased or has otherwise predetermined the issue before it.” *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992); see also *Shalala v. Ill. Counsel on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000).

#### JURISDICTION AND VENUE

13. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and seeks a writ of habeas corpus challenging the legality of his continued civil detention by U.S. Immigration and Customs Enforcement (“ICE”) in violation of the Constitution and laws of the United States.
14. Venue is proper in this Court under 28 U.S.C. § 2241(a) because Petitioner is detained within the geographic boundaries of the Southern District of Florida, at Florida Detention Center in Miami-Dade County, Florida, which lies within the Miami Division of this District.

#### PARTIES

15. **AUGUSTO RAMON MATEO** is a citizen and national of **Guatemala**, born on [REDACTED] He entered the United States on or about August 26, 2024, and has continuously resided in this country for more than 1 year. He is in custody, and under the direct control, of Respondents and their agents.

16. **E.K. CARLTON** in their official capacity as Warden, Federal Detention Center, Miami. In this capacity, he is responsible for the immediate execution of detention over Petitioner and is the immediate custodian of Petitioner.
17. Respondent **GARRET RIPA** is sued in his official capacity as the Acting Director of the Miami Field Office of U.S. Immigration and Customs Enforcement. Respondent Ripa exercises authority over Petitioner's detention, transfer, and potential release.
18. Respondent **KRISTI NOEM** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent **NOEM** is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent **NOEM** is a legal custodian of Petitioner.
19. Respondent **PAM BONDI** is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent **BONDI** is a legal custodian of Petitioner.
20. Respondent **TODD LYONS** is sued in his official capacity as Acting Director of Immigration and Customs Enforcement.
21. Respondent, **CHARLES PARRA** is sued in his official capacity as Assistant Field Office Director for the Krome North Service.

## LEGAL FRAMEWORK

22. Federal courts possess jurisdiction to review immigration detention claims through the writ of habeas corpus under **28 U.S.C. § 2241**. The statute explicitly allows challenges by individuals who are “in custody in violation of the Constitution or laws or treaties of the United States” Habeas review is particularly appropriate where detention is arbitrary, prolonged, or otherwise unlawful.
23. Numerous courts have affirmed that immigration detainees may invoke § 2241 to test the legality of their confinement. See *INS v. St. Cyr*, 533 U.S. 289 (2001) (recognizing habeas jurisdiction for legal and constitutional claims of noncitizens); *Zadvydas v. Davis*, 533 U.S. 678 (2001) (permitting habeas relief where detention exceeds statutory or constitutional limits). Because Petitioner is detained in this District, jurisdiction properly lies with this Court.
24. The Fifth Amendment’s Due Process Clause applies broadly to “all persons” within the United States, including noncitizens regardless of their immigration status. See *Mathews v. Diaz*, 426 U.S. 67, 77 (1976). The protection of due process encompasses both liberty and bodily integrity and includes freedom from arbitrary civil detention.
25. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a binding precedent decision holding that an immigration judge lacks authority to consider bond requests for individuals who entered the United States without admission. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board concluded that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for release on bond. As a result, Petitioner has been categorically barred from seeking custody redetermination before an immigration judge, leaving habeas corpus as his sole available remedy to challenge continued detention.

26. The Fifth Amendment prohibits the federal government from imposing punishment without due process of law. This principle extends to immigration detention, which is civil, not criminal, in nature. *See Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Conditions of confinement for civil detainees are unconstitutional when they rise to the level of punishment rather than regulation.

### **COUNT I**

#### **Violation of Fifth Amendment Right to Due Process (against all Respondents)**

27. Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.
28. [T]he Due Process Clause applies to all “persons” within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. While certain constitutional protections do not extend outside the “geographic borders” of the United States, “legal circumstances change” as soon as a noncitizen “enters the country.” *Id.*
29. To determine whether civil detention violates a detainee’s due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, courts consider (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government’s interest, including the function involved and the fiscal administrative burdens that the additional or substitute procedural requirement would entail. *See id.* At 335.
30. Here, all three factors favor Petitioner. He has a significant private interest at stake. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (freedom from physical detention is “the most elemental of liberty interests”); *see also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment – from government custody,

detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process] Clause protects.”). The petitioner is experiencing all the deprivations that come with physical detention, including separation from his family and the inability to work to support his family. Next, there is a large risk of the erroneous deprivation of Petitioner’s liberty interest through the procedures used in the immigration court proceedings particularly with Petitioner’s manner of entry. There are also alternative procedures, such as a cash bond, turn over of his passport, and other measures that might mitigate risk of flight. Finally, to the extent there is any government interest in detention, it is minimal compared with Peitioner’s liberty interest.

**COUNT II**

**VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT 8  
U.S.C. §§ 1226**

**(against all Respondents)**

31. Petitioner incorporates by reference all preceding paragraphs as it fully set herein.
32. The Immigration and Nationality Act authorizes immigration detention only for narrow, lawful purposes: to ensure attendance at removal proceedings and to protect the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention beyond those limited purposes violates both the statute and the Constitution.
33. Petitioner’s detention exceeds the statutory limits Congress intended.
34. He is not subject to a final order of removal and therefore falls under §1226, which does not authorize indefinite or punitive custody. Petitioner has resided in the United States for over 1 year, and has no criminal record.

35. The government has not shown that Petitioner's continued detention is necessary to secure his appearance or to protect the public. Reasonable alternatives to detention—such as bond, supervision, or release on recognizance— could achieve the same ends.
36. Accordingly, Petitioner's ongoing detention violates 8 U.S.C. §1226 and the Due Process Clause of the Fifth Amendment. He respectfully requests that this Court order his immediate release or, in the alternative, direct that he receive a prompt bond hearing at which the Government bears the burden of establishing flight risk or dangerousness by clear and convincing evidence. Continued detention under these circumstances transforms what Congress intended to be temporary custody into indefinite civil confinement.

### **COUNT III**

#### **Violation of the Bond Regulations**

37. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.
38. 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.
39. 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 respectfully requests that the Court assume jurisdiction over this Petition and Complaint and grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Issue a writ of habeas corpus under 28 U.S.C. § 2241 ordering Petitioner's immediate release from immigration custody at the Florida Detention Center;
- (4) In the alternative, if the Court determines that immediate release is not warranted, order Respondents to provide Petitioner with a prompt and constitutionally adequate bond hearing before an immigration judge within fourteen (14) days of this Court's order;
- (5) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the Court's approval;
- (6) Declare that Petitioner's continued detention without an individualized custody determination violates the Due Process Clause of the Fifth Amendment and exceeds the scope of authority permitted under the Immigration and Nationality Act, 8 U.S.C. § 1226;
- (7) Award such other and further relief as the Court deems just and proper, including, if necessary, temporary or preliminary injunctive relief to ensure Petitioner's health and safety pending adjudication of this matter.

Respectfully submitted,

/s/ Juliana G. Lamardo, Esq.

Florida Bar No. 50995  
Law Offices of Juliana G. Lamardo, P.A.

2414 SW 22<sup>nd</sup> Street, 2<sup>nd</sup> Floor  
Miami, Florida 33145  
(305) 444-0099  
[JLamardo@LamardoLaw.com](mailto:JLamardo@LamardoLaw.com)

Dated: December 1, 2025

### VERIFICATION

Pursuant to 28 U.S.C. § 2242 and 28 U.S.C. § 1746. I declare under penalty of perjury that the facts set forth in the foregoing Petition for a Writ of Habeas Corpus are true and correct.

/s/ Juliana G. Lamardo, Esq.

Florida Bar No. 50995  
Law Offices of Juliana G. Lamardo, P.A.  
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(305) 444-0099  
[JLamardo@LamardoLaw.com](mailto:JLamardo@LamardoLaw.com)

Dated: December 1, 2025

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p>AUGUSTO RAMON MATEO</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number) Juliana G. Lamardo, Esq. Law Offices of Juliana G. Lamardo, P.A. 2414 SW 22nd Street, 2nd Floor</p>	<p><b>DEFENDANTS</b></p> <p>KRISTI NOEM, et. al.</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) unknown</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p><i>(For Diversity Cases Only)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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[Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p><b>INTELLECTUAL PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation - Transfer     8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. sec. 2241. Petition from Writ of Habeas Corpus and request for Order to Show Cause.

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ \_\_\_\_\_    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 12/1/2025    SIGNATURE OF ATTORNEY OF RECORD: /s/ Juliana G. Lamardo

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.