

1. On December 22, 2025, the Court granted Petitioner's petition for habeas relief (Dkt. 1). Dkt. 15. The Court ordered Respondents to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a), with all attendant burdens of proof, within seven days of the date of the Order. Dkt. 15. The Court further ordered that, in the alternative, if Respondents do not provide Petitioner with a bond hearing within seven days, Respondents are ordered to release Petitioner from custody by the end of the seventh day. Dkt. 15.
2. Today, December 29, 2025, at approximately 1:00 p.m., Immigration Judge (IJ) Greenbaum convened proceedings but did not conduct a bond hearing under 8 U.S.C. § 1226(a) as ordered by this Court. Instead, the IJ stated that he would adopt DHS's position that he lacked jurisdiction to conduct a bond hearing because DHS contends Petitioner is subject to mandatory detention under INA section 235 (8 U.S.C. 1225). The EOIR Courts and Appeals System (ECAS) portal reflects that "the Immigration Judge found no jurisdiction". *See* Exh. 1. As of the time of this filing, IJ Greenbaum has not issued a written custody order, and Petitioner remains detained in ICE custody. *See* Exh. 1 (ECAS entry screenshot/printout); Exh. 2 (Declaration of Counsel). Accordingly, Petitioner did not receive any custody adjudication under 8 U.S.C. § 1226(a), and the Court-ordered burdens of proof were not applied.
3. Respondents therefore have not provided what this Court ordered: a bond hearing under 8 U.S.C. § 1226(a), with all attendant burdens of proof, within seven days of December 22, 2025. Dkt. 15. A proceeding in which the immigration court declines bond jurisdiction after adopting DHS's position that detention is mandatory under INA section 235 is not a section 1226(a) bond hearing and does not satisfy the Court's Order.

4. The Court's conditional writ provided a clear remedy. If Respondents did not provide Petitioner with the required section 1226(a) bond hearing within seven days, then Respondents were ordered to release Petitioner from custody by the end of the seventh day—today is the seventh day. Dkt. 15. Because no section 1226(a) bond hearing occurred and the IJ declined jurisdiction based on DHS's asserted INA section 235 theory, the condition for release has been triggered and must be enforced.
5. To the extent Respondents contend that the immigration court's asserted lack of jurisdiction prevents compliance that is not a basis to continue detention in violation of this Court's order. Dkt. 15. The Court placed the obligation on Respondents to provide the required process within a fixed timeframe and if that process is not provided, the Court ordered release. Dkt. 15. If Respondents believed further relief from this Court was necessary, their remedy was to seek a stay or other relief from this Court, not to continue detention while adopting a position that nullifies the Court's ordered process.

REQUEST FOR EXPEDITED RULING

Petitioner respectfully requests an expedited ruling because this Court ordered release by the end of the seventh day if the required bond hearing was not provided, and Petitioner remains in custody. Dkt. 15.

PRAYER

For the reasons stated above, Petitioner respectfully requests that the Court find Respondents have not complied with the Court's December 22, 2025 Order (Dkt. 15) because Petitioner has not received a bond hearing under 8 U.S.C. § 1226(a), with all attendant burdens of proof, within seven days, and enforce the Court's conditional writ by ordering Respondents to immediately release Petitioner from custody, and in any event no later than the end of December

29, 2025. Petitioner further requests that the Court order Respondents to file a notice of compliance confirming Petitioner's release by a time certain, and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Maria Nereida Jaimes
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CERTIFICATE OF CONFERENCE

Counsel for Petitioner attempted to confer with counsel for Respondents regarding the relief requested in this motion on December 29, 2025, by email. Counsel emailed Catina Perry at CATINA.PERRY@usdoj.gov and received an automated response stating she is out of the office until December 30, 2025, and directing urgent matters to Jimmy Rodriguez at jimmy.rodriguez2@usdoj.gov. Counsel promptly emailed Mr. Rodriguez. As of the time of filing, Respondents have not stated a position, and Petitioner therefore files this motion on an emergency basis.

/s/ Maria Nereida Jaimes
Maria Nereida Jaimes

CERTIFICATE OF SERVICE

I certify that on December 29, 2025, I served this motion and all attachments on counsel for Respondents via CM/ECF and/or by email to counsel of record.

/s/ Maria Nereida Jaimes
Maria Nereida Jaimes

