

8 U.S.C. § 1225(b)(2), even though he is in ordinary 8 U.S.C. § 1229a removal proceedings and was arrested in the interior years after entering the United States.

2. DHS's misclassification under § 1225(b)(2) has deprived Petitioner of eligibility for a bond hearing under 8 U.S.C. § 1226(a). The Immigration Judge denied bond solely for lack of custody jurisdiction under *Matter of Yajure-Hurtado*, expressly stating that, but for the jurisdictional bar, he would have set a \$10,000 bond.
3. Petitioner's detention is unlawful because 8 U.S.C. § 1226(a), not § 1225(b)(2), governs the arrest, custody, and release of individuals who, like Petitioner, entered years ago, were apprehended in the interior, and are presently in § 1229a proceedings. As a result, Petitioner has been subjected to unconstitutional no-hearing detention in violation of the Fifth Amendment. He seeks a writ directing DHS to classify him under § 1226(a), restoring the Immigration Judge's jurisdiction to adjudicate his bond.

JURISDICTION

4. This action arises under the Constitution and laws of the United States, including the INA, 8 U.S.C. § 1101 et seq. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is detained within this District under color of federal authority, and his custody violates the Constitution and laws of the United States.
5. Jurisdiction also lies under 28 U.S.C. § 1331 and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2. The Court may grant relief pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1651.

VENUE

6. Venue is proper in the Southern District of Texas because Petitioner is currently detained at Joe Corley Processing Center in Conroe, Texas.

PARTIES

7. Petitioner, Bryan Alexander Nacipucha Pineda, is a native and citizen of Ecuador who entered the United States without inspection in or around February 2021. He currently remains detained at Joe Corley Processing Center, Conroe, Texas.
8. Respondent Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement, is a legal custodian of the Petitioner.
9. Respondent Kristi Noem, Secretary of the Department of Homeland Security, is responsible for enforcing immigration laws and is a legal custodian of the Petitioner.
10. Respondent Pam Bondi, Jr., Attorney General of the United States, is a legal custodian of the Petitioner.
11. Respondent Raymond Thompson, Director of Joe Corley Processing Center, is Petitioner's immediate physical custodian.

FACTS

12. Petitioner entered the United States without admission or parole on or about February 2021. He did not present himself at a port of entry and was not apprehended upon arrival.
13. Petitioner's first interaction with DHS occurred at Ocean Seafood Depot, 331 Adams Street, Newark, New Jersey, years after his initial entry.

- 14 DHS generated a Form I-213 documenting that at the time of his arrest, officers served an I-200 Warrant for Arrest and an I-862 Notice to Appear, initiating ordinary § 1229a removal proceedings.
- 15 Petitioner was transported to and remains detained at Joe Corley Processing Center, 500 Hilbig Rd., Conroe, Texas.
- 16 DHS asserts that Petitioner is detained under 8 U.S.C. § 1225(b)(2) as an “applicant for admission,” citing *Matter of Yajure-Hurtado*, and therefore is ineligible for bond.
- 17 Petitioner applied for a custody redetermination hearing. The Immigration Judge concluded that he lacked jurisdiction solely because DHS claimed § 1225(b)(2) applied. The IJ expressly stated that, if jurisdiction existed, he would have set a \$10,000 bond.
- 18 Petitioner remains detained solely because of DHS’s classification of him under § 1225(b)(2). He has not received an individualized custody assessment under § 1226(a).
- 19 Petitioner has exhausted all available administrative remedies.
- 20 Habeas corpus is the only mechanism available to challenge this unlawful detention.

COUNT I

- 21 Petitioner realleges paragraphs 1–20. Petitioner’s detention without any meaningful opportunity for a bond hearing violates the Fifth Amendment’s Due Process Clause.

COUNT II

23 Petitioner realleges paragraphs 1–20. Petitioner was apprehended in the interior, placed directly in § 1229a proceedings, and was never in the present-tense act of “seeking admission.” Thus, 8 U.S.C. § 1226(a), not § 1225(b)(2), governs his detention. DHS’s reliance on *Matter of Yajure-Hurtado* to treat years-long interior residents as “arriving aliens” is unlawful under the INA, inconsistent with 8 C.F.R. §§ 236.1 and 1003.19, and entitled to no deference after *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024).

COUNT III

26 Petitioner realleges paragraphs 1–20. DHS’s July 8, 2025 detention policy and its application of *Matter of Hurtado* are arbitrary, capricious, contrary to law, and in excess of statutory authority, in violation of 5 U.S.C. § 706(2)(A), (C).

COUNT IV

28 Petitioner realleges paragraphs 1–20. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), Petitioner’s continued detention without a bond hearing violates Petitioner’s Fifth Amendment due process rights.

COUNT V

30 Petitioner realleges paragraphs 1–20. Petitioner is a member of the Bond Eligible Class certified on November 25, 2025 in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.). The court’s declaratory relief explicitly applies nationwide. DHS therefore may not apply *Matter of Yajure-Hurtadoto* Petitioner, and the Immigration Judge retains bond jurisdiction under § 1226(a).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the writ of habeas corpus and order Petitioner's immediate release, restoring the Immigration Judge's jurisdiction to enforce the IJ's stated alternative finding that a \$10,000 bond is appropriate; OR
2. In the alternative, order Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1(d);
3. Grant any other and further relief the Court deems just and proper.

/s/ Kelly Bermudez
Kelly J. Bermudez, Esq
972 Broad Street, Suite 500
Newark, New Jersey 07102
212-389-1155 (tele)
347-783-0038 (fax)

Dated: 12/11/2025

VERIFICATION

I, Bryan Alexander Nacipucha Pineda, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that:

1. I am the Petitioner in this matter and am personally familiar with the facts of my case; and
2. I have read the foregoing Verified Habeas Corpus Petition, and to the best of my knowledge, the statements made therein are true and correct.

Executed on 12/10/2025

/s/ Bryan Alexander Nacipucha Pineda
Bryan Alexander Nacipucha Pineda