**UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| PEDRO JIMENEZ-SANDOVAL,<br><br>Petitioner,<br><br>v.<br><br>STEVEN ANGELUCCI, Warden, Curran-Fromhold Correctional Facility, Philadelphia; MICHAEL T. ROSE, Acting Field Office Director, Immigration and Customs Enforcement, Enforcement and Removal Operations, Philadelphia Field Office; KRISTI NOEM, Secretary of the Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; PAMELA BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.<br><br>Respondents. | Case No.<br><br>**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** |

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

## INTRODUCTION

1. Petitioner Pedro Jimenez-Sandoval is a Mexican citizen and applicant for immigration relief who is currently detained at the Curran-Fromhold Correctional Facility (CFCF) in Philadelphia, PA. Mr. Jimenez-Sandoval originally entered the United States in March 2007 without inspection. He quickly found work

and established a community in this country, one he has maintained for the last eighteen years. He and his partner, Lorena Hernandez, have four children, all of whom are U.S. citizens: M (now 15 years old), A (13), N (8), and K (5 months).

2. On or about December 7, 2024, Mr. Jimenez-Sandoval was arrested on criminal charges in Philadelphia. He was detained in criminal custody for just two days until being released on bail. Petitioner remained out of custody until February 2025, when ICE officers arrested him outside of his home as he made his way to work. ICE thereafter transferred Mr. Jimenez-Sandoval to the Moshannon Valley Processing Center (MVPC) in Philipsburg, PA. He remained at the MVPC for the next two months, until the Philadelphia District Attorney's Office (DAO) filed a writ of *habeas corpus ad prosequendum* to return him to Philadelphia criminal custody. Mr. Jimenez-Sandoval arrived at CFCF on or about March 31, 2025, and is still incarcerated there to this day pursuant to that writ.

3. Throughout 2025, Mr. Jimenez-Sandoval, who has fiercely asserted his innocence of the charges in his criminal case, continued to contest the charges against him from detention. Through his counsel at the Defender Association of Philadelphia, he ultimately requested a jury trial, which began on December 2, 2025. On December 4, 2025, Mr. Jimenez-Sandoval was acquitted of all charges against him.

4. As of the date of this petition, and despite his recent acquittal, Petitioner remains detained solely because of the outstanding immigration writ to return him to ICE custody. He has now been incarcerated for almost 11 months because of this writ; were it not for his immigration hold, Petitioner would have spent the last year at home with his family. His youngest daughter, K, was born during his detention. Petitioner has still never held his child, or even met her in person.

5. Mr. Jimenez-Sandoval's detention will continue because he does not, and will not, have access to a custody hearing conducted by a neutral decisionmaker to determine whether his detention is warranted based on danger or flight risk, pursuant to the Board of Immigration Appeals' (BIA) recent decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

6. This decision, which holds that 8 U.S.C. § 1225(b)(2) makes noncitizens like Petitioner who are apprehended in the United States but have never been admitted subject to mandatory detention without a bond hearing, violates the statute. Instead, 8 U.S.C. § 1226(a) applies and authorizes release on bond after a hearing before an immigration judge (IJ). The BIA's interpretation conflicts with the plain language and structure of the statute, as well as decades of uncontroverted agency practice—as recognized by at least 282 United States District Courts. *Demirel v. Fed. Det. Ctr. Phila.*, No. 25-5488, 2025 U.S. Dist. LEXIS 226877 (E.D. Pa. Nov. 18, 2025) (attaching an appendix citing 282 decisions rejecting the

government's interpretation of the Immigration and Nationality Act (INA, codified at Title 8 of the U.S. Code)). Therefore, the application of § 1225(b)(2) to Petitioner is contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA).

7. In the alternative, if the statute does authorize Petitioner's detention without a bond hearing, it violates his rights to substantive and procedural due process. Detention of all noncitizens who are subject to inadmissibility grounds, like Petitioner, without any individualized hearing does not "bear a reasonable relation to the purpose for which the individual was committed." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Moreover, application of the *Mathews v. Eldridge* balancing test shows that a bond hearing is necessary to protect Petitioner from an unnecessary deprivation of liberty. *See* 424 U.S. 319, 335 (1976). Numerous United States District Courts have agreed. *See, e.g.*, *Ndiaye v. Jamison*, No. 25-6007, 2025 LEXIS 503509, at *6 (E.D. Pa. Nov. 19, 2025).

8. In addition, Petitioner's detention without a custody hearing is unlawful because he is a member of the nationwide Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, -- F. Supp. 3d --, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Despite the recent declaratory judgment issued on behalf of that

class, DHS and the Executive Office for Immigration Review (EOIR) have refused to abide by it or afford bond hearings to its members, as discussed at length in Section II, *infra.* Because that declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A), Mr. Jimenez-Sandoval's detention without a bond haring violates the Court's order. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

9. For the foregoing reasons, Mr. Jimenez-Sandoval respectfully requests that this Court issue a writ of habeas corpus and order his release from custody, with appropriate conditions of supervision if necessary. *See Ndiaye*, 2025 LEXIS 503509 at *23-24 (ordering immediate release and finding that "[a] bond hearing would certainly result in [Petitioner's] release and only serve to delay relief when the "Government has offered no rationale to refuse bond").

10. In the alternative, Petitioner requests that this Court conduct or order an IJ to conduct a bond hearing at which (1) the government bears the burden of proving flight risk and/or dangerousness by clear and convincing evidence and (2) the reviewing court considers alternatives to detention that could mitigate risk of flight. *See German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 213-214 (3d Cir. 2020).

## PARTIES

11. Petitioner Pedro Jimenez-Sandoval is a noncitizen currently detained by Respondents pending removal proceedings. He is detained at the Curran-Fromhold Correctional Facility in Philadelphia, PA. He remains there solely because of an outstanding writ of *habeas corpus ad prosequendum* mandating his return to the Moshannon Valley Processing Center (MVPC) in Philipsburg, Pennsylvania.

12. Respondent Steven Angelucci is named his official capacity as the Warden of the Curran-Fromhold Correctional Facility (CFCF) in Philadelphia. Petitioner is currently being detained at CFCF.

13. Respondent Michael T. Rose is named in his official capacity as the Acting Field Office Director of the ICE Philadelphia Field Office. In this capacity, Respondent Rose is responsible for administration and management of ICE

Enforcement and Removal Operations in Pennsylvania and exercises control over Petitioner's custody.

14. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in her official capacity.

15. Respondent DHS is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

16. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review (EOIR) and the immigration court system it operates is a component agency. She is sued in her official capacity.

17. Respondent EOIR, which includes the immigration courts and Board of Immigration Appeals, is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

## JURISDICTION AND VENUE

18. This action arises under the Fifth and Fourteenth Amendments to the U.S. Constitution.

19. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1361. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

20. The United States has waived sovereign immunity for this action for declaratory and injunctive relief against one of its agencies and that agency's officers are sued in their official capacities. 5 U.S.C. § 702.

21. Venue is proper in this District because the Petitioner is detained in this district. 28 U.S.C. § 1391; *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004).

## STATEMENT OF FACTS

22. Mr. Jimenez-Sandoval entered the United States in March 2007 to escape violence and rampant poverty in his home country of Mexico. He settled in Philadelphia, where he made a home with his partner, Lorena Hernandez. Ms. Hernandez and Mr. Jimenez-Sandoval now have four U.S.-citizen children together, who range in age from 5 months to 15 years old. In his nearly two decades in the United States, Petitioner has worked consistently to support his family, provide for

himself, and care for his children and partner financially, physically, and emotionally. He has also paid taxes to the U.S. government nearly every year since his entry, and formed a wide network of relatives and friends in this country.

23. In 2013, Petitioner was detained by ICE and placed into removal proceedings by the DHS, which served him with a Notice to Appear (NTA) in immigration court. That NTA charged him as removable under 8 U.S.C. § 1182(a)(6)(A)(i) for being "an alien present in the United States who has not been admitted or paroled." Mr. Jimenez-Sandoval was thereafter released on ICE's "Alternatives to Detention" program, which required him to report periodically to immigration authorities and wear an ankle monitor. Petitioner complied with all check-ins and conditions of his release, and ICE removed his ankle monitor in or around 2014.

24. In 2015, the Department moved to exercise its prosecutorial discretion in Petitioner's case and requested that the immigration judge administratively close his removal proceedings for good cause shown. The Court did so on or about July 16, 2015.

25. For the next five years, Petitioner lived peacefully in the United States. Then, in June 2020, and pursuant solely to new rules around administrative closure as specified in the (since overturned) Attorney General's ruling in *Matter of Castro-Tum,* 27 I. & N. Dec. 271 (A.G. 2018), the Department moved to reopen Mr.

Jimenez-Sandoval's removal proceedings. On May 18, 2022, Petitioner applied for Cancellation of Removal for Certain Non-Permanent Residents under 8 U.S.C. § 1229b(b)(1) (INA § 240A(b)(1)), citing the severe hardship his U.S.-citizen children would suffer in the event of his deportation. That petition remains pending in immigration court.

26. On or about December 7, 2024, Mr. Jimenez-Sandoval was arrested on criminal charges in Philadelphia, PA. He was released on bail after two days in criminal custody. On February 7, 2025, ICE arrested Petitioner near his home and detained him at the Moshannon Valley Processing Center (MVPC) in Philipsburg, PA. Upon his detention, his removal proceedings were transferred from the Philadelphia Immigration Court to the detained persons docket of the Elizabeth Immigration Court in Elizabeth, NJ.

27. ICE continued to house Petitioner at the MVPC until the Philadelphia District Attorney's Office (DAO) filed a writ of *habeas corpus ad prosequendum* requesting his return to Philadelphia criminal custody. ICE transported Petitioner to Curran-Fromhold Correctional Facility (CFCF), a state prison, on or about March 31, 2025. Noting his return to criminal custody, the immigration court administratively closed his removal proceedings on April 16, 2025. The writ provides that he will be returned to ICE custody upon termination of his criminal proceedings.

28. For the next eight months, Petitioner continued to contest the charges against him, which he has vehemently denied since his arrest. His case went to trial on December 2, 2025. On December 4, 2025, a jury acquitted Mr. Jimenez-Sandoval of all charges.

29. As of the date of this motion, and though he has never been convicted of a criminal charge anywhere in the world, Mr. Jimenez-Sandoval remains detained solely because of the writ of habeas corpus mandating his imminent return to the MVPC. Additionally, and pursuant the BIA's binding decision in *Matter of Yajure Hurtado*, Mr. Jimenez-Sandoval is not, and will not, be eligible for bond; instead, he will be subject to mandatory immigration detention for the length of his removal proceedings. Immigration judges nationwide, and specifically at the Elizabeth Immigration Court, continue to hold that they are bound by *Yajure Hurtado* even after the nationwide class certification rejecting the BIA's decision in this case. *See Maldonado Bautista v. Santacruz*, *supra*.

30. Accordingly, Petitioner respectfully seeks relief from this Court in the form of a writ of habeas corpus ordering his immediate release from ICE custody, or in the form of an order requiring that he be provided with a bond hearing.

## LEGAL FRAMEWORK

### I. Section 1226(a) Governs the Detention of People Like Petitioner Who are Detained in the United States and Have Not Previously Been Admitted

31. The Immigration and Nationality Act contains several provisions authorizing detention of noncitizens. Section 236(a) or 8 U.S.C. § 1226(a) entitles most noncitizens with pending removal proceedings to a hearing before an IJ to determine whether they should be released on bond. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d). Section 1226(c) creates an exception to 8 U.S.C. § 1226(a) and provides that noncitizens who are removable by virtue of certain criminal convictions must be detained without a bond hearing. Section 1225(b) provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals "seeking admission" under (b)(2). Finally, 8 U.S.C. § 1231 governs the detention of noncitizens with a final order of removal.

32. The detention provisions at 8 U.S.C. § 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 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025). "Upon passing IIRIRA, Congress declared that the new Section 1226(a) 'restates the current provisions in the predecessor statute,'" which allowed noncitizens who entered without inspection to be released on bond. *Rodriguez Vasquez v. Bostock*, 779 F.

Supp. 3d 1239, 1260 (W.D. Wash. 2025) (citing H.R. Rep. No. 104-469, pt. 1, at 229; H.R. Rep. No. 104-828, at 210).

33. 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 8 U.S.C. § 1225 and that they were instead detained under 8 U.S.C. § 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) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.").

34. Thus, in the decades that followed, most people who entered without inspection and were thereafter arrested and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an IJ, unless their criminal history rendered them ineligible. *Ndiaye*, 2025 LX 503509 at *18 (finding that DHS and EOIR DHS "maintained this practice since § 1225(b)(2) first took effect in 1997"). That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994).

35. In recent months, Respondents have abruptly changed course. On May 15, 2025, the BIA issued a decision holding that a noncitizen who entered without inspection and was apprehended and paroled near the border was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) when her parole was terminated and she was re-detained. *Matter of Q. Li*, 29 I&N Dec. 66, 70 (BIA 2025).

36. On July 8, 2025, ICE Director Todd M. Lyons issued an internal memorandum stating that, "in coordination with the Department of Justice (DOJ)," DHS had "revisited" its legal position and believed that 8 U.S.C. § 1225, not § 1226, governs the detention of noncitizens who are present in the United States without having been admitted. *Diaz Martinez v. Hyde,* No. 25-11613, 2025 WL 2084238, at *4. (D. Mass. July 24, 2025).

37. On September 5, 2025, the BIA followed suit and issued a precedential decision in *Yajure Hurtado*, 29 I&N Dec. 216, holding that noncitizens "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. at 220.

38. The *Yajure Hurtado* decision has fared poorly before Article III Courts, and over 288 district courts, including the Eastern District of Pennsylvania, have held that people who are present without having been admitted are eligible for bond pursuant to § 1226(a). *See Demirel*, No. 25-cv-54882025 U.S. Dist. LEXIS 226877

(Dkt. No. 11-1) (listing out 288 cases). "Only six of these decisions have adopted the government's interpretation, and none of them are in this District." *Ndiaye*, 2025 LX 503509 at *12 (Sánchez, J.); *see also Anirudh v. McShane*, No. CV 25-6458, 2025 WL 3527528, at *5 (E.D. Pa. Dec. 9, 2025); *Ibarra v. Warden of the Fed. Det. Ctr. Phila.*, No. 25-6312, 2025 WL 3294726, at *2-3 (E.D. Pa. Nov. 25, 2025) (Rufe, J.); *Patel v. McShane*, No. 25-5975, 2025 LX 577218 (E.D. Pa. Nov. 20, 2025) (Brody, J.); *Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 U.S. Dist. LEXIS 223637 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Kashranov,* No. 2:25-CV-05555-JDW, 2025 U.S. Dist. LEXIS 224644 (Wolson, J.); *Demirel*, No. 25-cv-5488, 2025 U.S. Dist. LEXIS 226877 (E.D. Pa. Nov. 18, 2025) (Diamond, J.); *see also Maldonado Bautista*, 2025 WL 3288403, at *9 (issuing declaratory relief on behalf of nationwide class).

39. As these decisions explain, the BIA's position in *Yajure Hurtado* defies the INA. The plain text of the statute shows that 8 U.S.C. § 1226(a), not § 1225(b), applies to people like Petitioner.

40. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (describing 8 U.S.C. § 1226(a) as the "default rule" for detention of noncitizens pending removal). These removal hearings are held

under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]." *Id.*

41. The text of 8 U.S.C. § 1226 explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Just this year, Congress enacted subparagraph (E) in the Laken Riley Act to exclude certain noncitizens who entered without inspection from § 1226(a)'s default bond provision. Subparagraph (E)'s reference to persons inadmissible under § 1182(6)(A), i.e., persons inadmissible for entering without inspection, 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 Vasquez*, 779 F. Supp. 3d at 1256–57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

42. Under the BIA's interpretation, all noncitizens subject to inadmissibility grounds are detained without the opportunity for a bond hearing under 8 U.S.C. § 1225(b). *Yajure Hurtado*, 29 I&N Dec. at 220; *see* 8 U.S.C. § 1182(a)(6) (making people who are present without having been admitted inadmissible); 8 U.S.C. § 1101(a)(14) (defining an admission). Therefore, this interpretation would render all the grounds of mandatory detention in 8 U.S.C. §

1226(c) applied to inadmissible noncitizens, including the recently-passed Laken Riley Act, superfluous. *Gomes*, 2025 WL 1869299, at *7; *Rodriguez*, 779 F. Supp. 3d at 1258; *see Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013) ("[T]he canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme."). This statutory structure demonstrates that Congress did not intend to make 8 U.S.C. § 1226(a) inapplicable to all inadmissible noncitizens, but rather viewed it as the default bond provision for people arrested within the United States, as the Supreme Court confirmed in *Jennings*.

43. By contrast, 8 U.S.C. § 1225(b) applies to people arriving at U.S. ports of entry or who very 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 also Diaz Martinez*, 2025 WL 2084238, at *8 ("'[O]ur immigration laws have long made a distinction between those [noncitizens] who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality.'" (quoting *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958))). 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.

44. "The Government's interpretation of 8 U.S.C. § 1225(b)(2) also violates the rule against surplusage . . . ." *Ndiaye v. Jamison*, No. 25-cv-6007, 2025 WL 3229307, at *14 (E.D. Pa. Nov. 19, 2025); *Demirel,* 2025 WL 3218243, at *9 ("I am not prepared to read this part ["alien[s] seeking admission"] of § 1225(b)(2) out of existence"). Section 1225(b)(2) only applies to people who are (1) applicants for admission; (2) seeking admission; and (3) not clearly and beyond a doubt entitled to be admitted. 8 U.S.C. § 1225(b)(2)(A); *Demirel,* 2025 WL 3218243, at *9. The BIA's interpretation makes all applicants for admission subject to mandatory detention, leaving the "seeking admission" criterion unnecessary and violating the rule against surplusage. *Lopez Benitez*, 2025 WL 2371588, at *6; *Diaz Martinez*, 2025 WL 2084238, at *6.

45. Instead, the phrase "seeking admission" indicates that 8 U.S.C. § 1225(b)(2)(A) applies to people who are taking "some sort of present-tense action;" in other words, coming or attempting to come into the United States. *Diaz Martinez*, 2025 WL 2084238, at *6; *see also Matter of M-C-D-V-*, 28 I&N Dec. 18, 23 (BIA 2020) (stating that "the use of the present progressive tense . . . denotes an ongoing process"). Therefore, 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), governs the detention of people detained within the United States who are not actively seeking admission, as required by the statute.

46. Applying 8 U.S.C. § 1226(a), rather than § 1225(b), to people detained in the interior who had previously entered without inspection is consistent with the government's longstanding practice, which "can inform a court's determination of what the law is." *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024). This longstanding practice further counsels against the BIA's abrupt change in policy. *Maldonado*, 2025 WL 2374411, at *11.

## II. The Denial of a Bond Hearing to Petitioner Violates the *Maldonado Bautista* Declaratory Judgment

47. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and, on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

48. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for

release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

49. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

50. Mr. Jimenez-Sandoval is a member of the Bond Eligible Class, as he:

a. does not have lawful status in the United States and is currently detained at the Curran-Fromhold Correctional Facility in Philadelphia, having been apprehended by immigration authorities on February 7, 2025;

b. entered the United States without inspection over 17 years ago and was not apprehended upon arrival, *cf. id.*; and

c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

51. Indeed, in Mr. Jimenez-Sandoval's pending removal proceedings, the DHS has explicitly charged him as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection. Because he thus falls under the *Maldonado Bautista* class, the Court should expeditiously grant this petition.

52. Respondents are bound by the judgment in *Maldonado Bautista*, since it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner, and others like him, to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

53. Immigration judges have informed class members in bond hearings that they have been instructed by "leadership" that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that IJs instead remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

54. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista,* the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

## III. The BIA's Application of Mandatory Detention to Noncitizens Like Petitioner Violates Substantive and Procedural Due Process

55. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "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. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention."). This fundamental due process protection applies to all noncitizens within the United States, including both removable and inadmissible noncitizens. *See id.* at 693; *Plyler v. Doe*, 457 U.S. 202, 212 (1982); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

56. Absent adequate procedural protections, substantive due process requires a "special justification" that "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690; *accord, e.g.*, *Torralba v. Knight*, No. 2:25-cv-1366, 2025 WL 2581792, at *12 (D. Nev. Sept. 5, 2025) (describing the standard for a substantive due process violation); *Fernandez v. Lyons*, No. 8:25-cv-506, 2025 WL 2531539, at *4 (D. Neb. Sept. 3, 2025) (same). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528. Thus, to withstand constitutional scrutiny, the nature and duration of mandatory immigration detention must be reasonably related to these purposes.

57. In *Demore*, the Supreme Court upheld the constitutionality of 8 U.S.C. § 1226(c) against a facial challenge, specifically citing evidence that had been before Congress about noncitizens with criminal convictions. 538 U.S. at 518-520. This justification does not apply, however, to noncitizens with no criminal convictions who have lived in the community for years. The broad policy set forth in *Yajure Hurtado* is not reasonably related to the purposes of preventing danger to the community or flight risk and violates substantive due process.

58. Additionally, procedural due process protects noncitizens against deprivation of liberty without adequate procedural protections, including notice and the opportunity to be heard. *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). In determining the proper procedure to protect a detained noncitizen's procedural due process rights under the Fifth Amendment, courts apply the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), weighing (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 and administrative burdens that the additional or substitute procedural requirement would entail." *Black v. Decker*, 103 F.4th 133, 147-48 (2d Cir. 2024); *Gayle v.*

*Warden Monmouth C'ty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021); *Hernandez-Lara v. v. Lyons*, 10 F.4th 19 at 28 (1st Cir 2021); *Velasco Lopez*, 978 F.3d at 851 (all quoting *Mathews*, 424 U.S. at 335). Here, the BIA's interpretation of the statute to require detention of all people in the United States without having been admitted deprives them of their liberty without any individualized process to determine whether such detention is necessary to prevent flight risk or danger to the community, and violates due process.

59. First, the "importance and fundamental nature" of an individual's liberty interest is well-established. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *see also Ashley*, 288 F. Supp. at 670 ("[F]reedom from confinement is a liberty interest of the highest constitutional import."). For people "who can face years of detention before resolution of their immigration proceedings, 'the individual interest at stake is without doubt particularly important.'" *Linares Martinez v. Decker*, No. 18-cv-6527 (JMF), 2018 WL 5023946 at *3 (S.D.N.Y. Oct. 17, 2018).

60. Weighing this factor in *Velasco Lopez*, the Second Circuit found the private interest to be "on any calculus, substantial," observing that the petitioner "could not maintain employment or see his family or friends or others outside normal visiting hours. The use of a cell phone was prohibited, and he had no access to the internet or email and limited access to the telephone." 978 F.3d at 851–52. Similarly, the First Circuit found a substantial private liberty interest for the petitioner in

*Hernandez-Lara*, noting that the petitioner there was incarcerated "alongside criminal inmates" at a jail where "she was separated from her fiancé and unable to maintain her employment." 10 F.4th at 28.

61. Second, absent any individualized bond hearing, people will be detained despite not being a danger to the community or a flight risk, because there is no mechanism to determine whether their detention is necessary. *See, e.g.*, *Günaydin v. Trump*, No. 25-cv-1151, 2025 WL 1459154, -- F. Supp. 3d --, at *8 (D. Minn. May 21, 2025) (noting that lack of consideration of "individualized or particularized facts . . . increases the potential for erroneous deprivation of individuals' private rights"); *Ashley*, 28 F. Supp. 2d at 670 (finding a procedural due process violation because "the Government has not proved that Petitioner presents an identified and articulable threat to an individual or the community so as to justify his continued detention"). A bond hearing would have significant value because it is designed to assess the individualized facts of each case and determine whether less restrictive measures can fulfill the same goals.

62. Finally, the burden on the government of returning to the longstanding practice of holding bond hearings for people like Petitioner does not outweigh the liberty interest at stake. To the contrary, the government has an interest in "minimizing the enormous impact of incarceration in cases where it serves no purpose." *Velasco Lopez*, 978 F.3d at 854; *see also Hernandez-Lara*, 10 F.4th at 33

(noting that "limiting the use of detention to only those noncitizens who are dangerous or a flight risk may save the government, and therefore the public, from expending substantial resources on needless detention"). Additionally, "unnecessary detention imposes substantial societal costs. . .The needless detention of those individuals thus separates families and removes from the community breadwinners, caregivers, parents, siblings and employees. Those ruptures in the fabric of communal life impact society in intangible ways that are difficult to calculate in dollars and cents." *Hernandez-Lara*, 10 F.4th at 33 (citation and internal quotation marks omitted). The cost to the government and society of detaining people unnecessarily for long periods of time is greater than the cost of providing individualized hearings, and weighs in favor of additional procedural protections.

63. At these bond hearings, due process requires that the Government bear the burden of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 ("[W]hen such a severe deprivation is at issue, the Government must bear the burden of proof."). "A standard of proof serves to allocate the risk of error between the litigants and reflects the relative importance attached to the ultimate decision." *German Santos*, 965 F.3d at 213 (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). Therefore, when the Third Circuit has ordered a constitutionally-required bond hearing, it placed the burden on the government by clear and convincing evidence. *German Santos*, 965 F.3d at 214; *Guerrero-Sanchez v. Warden York C'ty*

*Prison*, 905 F.3d 208, 224 & n.12 (3d Cir. 2018), *abrogated on other grounds by Johnson v. Arteaga-Martinez*, 596 U.S. 572 (2022). Other circuit courts have similarly held that due process requires this allocation of the burden in bond hearings for noncitizens like petitioner, who were then detained under § 1226(a). *Hernandez-Lara*, 10 F.4th at 39–40; *Velasco Lopez*, 978 F.3d at 855–56. Thus, even if the statute requires detention without a bond hearing, due process requires a hearing at which the government bears the burden by clear and convincing evidence.

**FIRST CLAIM FOR RELIEF**
**Violation of the INA**

64. Petitioner re-alleges and incorporates by reference the above paragraphs.

65. 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 grounds of inadmissibility. Specifically, it does not apply to Mr. Jimenez-Sandoval, who has been living in the United States since March 2007, more than 17 years prior to being detained by respondents on February 7, 2025.

66. As such, and for the reasons discussed *supra*, Mr. Jimenez-Sandoval is detained under 8 U.S.C. § 1226(a) and is eligible for release on bond. Respondents' unlawful application of 8 U.S.C. § 1225(b)(2) to Petitioner violates the INA.

**SECOND CLAIM FOR RELIEF**
**Violation of Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19**
**Unlawful Denial of Release on Bond**

67. Petitioner re-alleges and incorporates by reference the above 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. The regulation at 8 C.F.R. § 1003.19 lays out bond procedures, and § 1003.19(h)(2) delineates categories of noncitizens who are subject to mandatory detention and not entitled to a bond hearing. The fact that noncitizens within the United States who are subject to inadmissibility grounds are not included on this list shows that the agencies did not intend them to be subject to mandatory detention.

The BIA's interpretation thus violates the regulations and unlawfully denies Petitioner a bond hearing.

**THIRD CLAIM FOR RELIEF**
**Violation of the INA**
**Request for Relief Pursuant to *Maldonado Bautista***

70. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

71. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

72. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

73. The order granting class certification in *Maldonado Bautista* further orders that "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."

74. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

**FOURTH CLAIM FOR RELIEF**
**Violation of the Administrative Procedure Act**
**Contrary to Law and Arbitrary and Capricious Agency Policy**

75. Petitioner re-alleges and incorporates by reference the above paragraphs.

76. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

77. 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 grounds of inadmissibility. Specifically, it does not apply to Mr. Jimenez-Sandoval, who has been living in the United States since March 2007 prior to being apprehended and detained by Respondents. Petitioner is detained under 8 U.S.C. § 1226(a) and is eligible for release on bond.

78. In taking a contrary position, the BIA has reversed decades of prior practice, and "would expand § 1225(b) far beyond how it has been enforced historically, potentially subjecting millions more undocumented immigrants to mandatory detention, while simultaneously narrowing § 1226(a) such that it would have extremely limited (if any) application." *Lopez Benitez*, 2025 2371588, at *8. Respondents have failed to articulate reasoned explanations for their decisions,

which represent changes in the agencies' policies and positions; have considered factors that Congress did not intend to be considered; have entirely failed to consider important aspects of the problem; and have offered explanations for their decisions that run counter to the evidence before the agencies.

79. The application of 8 U.S.C. § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

**FIFTH CLAIM FOR RELIEF**
**Violation of the Fifth Amendment Due Process Clause**

80. Petitioner re-alleges and incorporates by reference the above paragraphs.

81. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "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).

82. Petitioner has a fundamental interest in liberty and being free from official restraint.

83. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

## PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1) Assume jurisdiction over this matter;
2) Order that Petitioner shall not be transferred outside the Eastern District of Pennsylvania while this habeas petition is pending;
3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
4) Issue a writ of habeas corpus requiring that Respondents release Petitioner;
5) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
6) Declare that Petitioner's detention is unlawful;
7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
8) Grant any other and further relief that this Court deems just and proper.

Dated: December 11, 2025

Respectfully submitted,

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*Pro Bono Counsel for Petitioner*

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys, and I have discussed the claims with Petitioner's legal team. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 11, 2025

Respectfully submitted,

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*Pro Bono Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore send a courtesy copy via email to the office of the United States Attorney for the Eastern District of Pennsylvania.

DATED: December 11, 2025

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