

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GLEINER SOSA-MUJICA,
MARYELI SOSA-MARQUINA,
K.S-R., a minor
A.P-S., a minor

Petitioners,

v.

SYLVESTER M. ORTEGA, Acting Field
Office Director of Enforcement and Removal
Operations, San Antonio Field Office,
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department of
Homeland Security; PAMELA BONDI, U.S.
Attorney General; JOSE RODRIGUEZ, JR.,
Facility Administrator, Dilley Immigration
Processing Center;

Respondents.

Case No. 5:25-cv-1722

**PETITION FOR WRIT OF
HABEAS CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioners, Gleiner Sosa-Mujica and Maryeli Sosa-Marquina, with their two minor children, K.S.R. and A.P.S., are in the physical custody of Respondents at the Dilley Immigration Processing Center in Dilley, Texas. They now face unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioners are subject to mandatory detention.

2. Petitioners Gleiner Sosa-Mujica and minor child, K.S.R., have lived in the U.S. since approximately September 2023.

3. Petitioners Maryeli Sosa-Marquina and minor child, A.P.S., have lived in the U.S. since approximately February 2024.

4. Respondents previously conceded that detention is governed by 8 U.S.C. § 1226, which would entitle this family to individualized custody hearings in Immigration Court, but now they argue that they all must be detained without bond under 8 U.S.C. § 1225. *See* Exhibits B-G.

5. Petitioners are charged with, *inter alia*, having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). Based on this charge in Petitioners' removal proceedings, DHS denied Petitioners release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider

anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who initially entered the United States without inspection—to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2), no matter how long they have resided in the United States.

6. The DHS policy states it was issued “in coordination with the Department of Justice (DOJ).” This position has now been officially sanctioned and made binding in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

7. Petitioners’ detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like the Petitioners who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like the Petitioners, are residing in the United States but are charged as inadmissible for having initially entered the United States without inspection.

8. For nearly thirty years, Respondents and the federal courts recognized that noncitizens who entered the United States without inspection and were apprehended years later were eligible for a bond hearing before an immigration judge under 8 U.S.C. § 1226(a).

9. The government’s novel position would mandate the detention, without a bond hearing, of millions of longtime residents of the United States. It is contrary to the plain language of the statute; Congress’s intent and understanding

of the detention statutes, expressed most recently in January 2025; and long-standing agency practice. It is no surprise that, to the best of counsel's knowledge, this new interpretation has been squarely rejected by nearly every federal court to address this issue, including in *Gutierrez v. Thompson*, No. 4:25-4695, 2025 LX 573072 (S.D. Tex. Nov. 14, 2025); *Ortega-Aguirre v. Kristinoem*, No. 4:25-CV-04332, 2025 LX 513385 (S.D. Tex. Oct. 10, 2025); *Andres v. Noem*, No. H-25-5128, 2025 WL 3458893 (S.D. Tex. Dec. 2, 2025); *Peñuela Carlos v. Bondi*, 2025 WL 325561 (E.D. Tex. Nov. 21, 2025); *Orellana Cantarero v. Bondi*, 2025 WL 3252402 (E.D. Tex. Nov. 20, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sep. 21, 2025); *Cardona-Lozano v. Noem*, No. 1:25-CV-1784-RP, 2025 WL 3218244 (W.D. Tex. Nov. 14, 2025); *Santos v. Noem*, No. 3:25-CV-01193 SEC P, 2025 WL 2642278 (W.D. La. Sep. 11, 2025); *Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773-JKP, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025).

10. In *Demirel v. Federal Detention Center*, the court compiled a list of 288 decisions addressing the same issue present in this case. 25-5488, Appendix, ECF 11-1 (E.D. Pa. Nov. 18, 2025). 282 decisions found that § 1226, not § 1225, applies in situations similar to the Petitioners, and only six found otherwise. The *Demirel* Court's Appendix is attached at Exhibit A. As court after court has held, § 1225 is a border inspection scheme that does not apply to noncitizens who were

already residing in the United States when they were apprehended. Instead, § 1226(a) plainly applies. And those courts all rejected the government's argument that exhaustion is a barrier to habeas relief.

11. This Court should grant the petition of Mr. Gleinen Sosa-Mujica and Maryeli Sosa-Marquina, and their two minor children, K.S.R. and A.P.S, and order Respondents to either immediately release them or hold a new bond hearing within seven days.

12. Petitioners are not challenging any discretionary denial of bond; they are challenging the government's determination that Petitioners are not eligible for an individualized bond determination under § 1226(a) in the first place.

JURISDICTION

13. Petitioners are in the physical custody of Respondents. Petitioners are detained at Dilley Immigration Processing Center in Dilley, Texas.

14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause). *See Rosales-Garcia v. Holland*, 322 F.3d 386, 394 (6th Cir. 2003).

15. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28

U.S.C. § 1651. *See Ly v. Hansen*, 351 F.3d 263, 266 (6th Cir. 2003) *vacated on other grounds by Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020).

VENUE

16. Venue is proper in the Western District of Texas under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioners are detained at the direction of, and are in the immediate custody of, Respondent Jose Rodriguez, Jr.

17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims and relevant facts occurred in the X District.

REQUIREMENTS OF 28 U.S.C. § 2243

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

19. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces

the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

20. Gleiner Sosa-Mujica and Maryeli Sosa-Marquina, and their two minor children, K.S-R. and A.P-S., are citizens of Venezuela. Petitioner Gleiner Sosa-Mujica and minor child, K.S-R., have been in immigration detention since approximately, November 20, 2025. Petitioner Maryeli Sosa-Marquina and minor child A.P-S. have been in immigration detention since approximately November 20, 2025.

21. Respondent Ortega is the Acting Director of the San Antonio Field Office of ICE’s Enforcement and Removal Operations division. As such, Acting Director Ortega is Petitioners immediate custodian and is responsible for Petitioners’ detention and removal. he is named in their official capacity.

22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioners’ detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

23. 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 and the immigration court system it operates is a component agency. She is sued in her official capacity.

24. Respondent Jose Rodriguez, Jr. is the Facility Administrator of the Dilley Immigration Processing Center. He is detaining the Petitioners at the direction of the other Respondents. He is sued in their official capacity.

FACTS

25. Petitioners Gleiner Sosa-Mujica and his minor child, K.S-R. have been living in the U.S. since approximately September 2023. Petitioners were previously apprehended by immigration authorities upon their initial entry and DHS issued an I-220A, Order of Release on Recognizance. DHS issued an I-286, Notice of Custody Determination, and an I-862, Notice to Appear. Exhibits B-G.

26. The DHS previously issued a Warrant, Form I-200, for K.S-R. pursuant to Section 236 [8 U.S.C. §1226] of the Immigration and Nationality Act.

27. Petitioners Maryeli Sosa-Marquina and minor child, A.P-S., have been living in the U.S. since approximately February 2024, and paroled at the point of entry, set to expire on April 2, 2026.

28. The minor children are high school students at Western International High School in Detroit, Michigan.

29. Petitioners Gleiner Sosa-Mujica and Maryeli Sosa-Marquina have both filed I-589 Applications for Asylum and for Withholding Removal. They were in removal proceedings in Detroit, Michigan, awaiting a hearing on their applications, which included their minor children as derivative beneficiaries.

30. Petitioners Gleiner Sosa-Mujica and Maryeli Sosa-Marquina, and their two minor children, K.S-R. and A.P-S., were subsequently apprehended by DHS on approximately November 20, 2025. They were detained at their home during, counsel understands, a DHS search for another individual.

31. Upon the Petitioners recent detention, DHS detained Petitioners without bond and issued a Notice to Appear alleging that he is removable for entering the United States without inspection and lacking valid entry documents. 8 U.S.C. § 1182(a)(6)(A)(i). Exhs. D and G.

32. Petitioners are not a flight risk or danger to the community. They have been good-standing members of society during their time here in the U.S. to the best of counsel's knowledge, they do not have criminal records that require mandatory detention under 8 U.S.C. § 1226(c).

33. A bond request to an Immigration Judge or BIA is futile. DHS's new policy was issued "in coordination with DOJ," which oversees the immigration courts. The BIA's precedential decision in *Yajure Hurtado* binds future BIA panels and all IJs. Finally, in the *Rodriguez Vazquez* litigation, where EOIR and the

Attorney General are defendants, DOJ has affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

LEGAL FRAMEWORK

34. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

35. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

36. Second, the INA 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 referred to under § 1225(b)(2).

37. Third, the INA also provides for detention of noncitizens who have been ordered removed, *see* 8 U.S.C. § 1231(a)–(b).

38. This case challenges Respondents' erroneous decision that Petitioners are subject to mandatory detention without bond under §1225(b)(2), rather than being bond-eligible under § 1226(a).

39. The detention provisions at § 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(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

40. Following the 1996 enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997) (explaining that “[d]espite being applicants for admission, [noncitizens] 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.”).

41. Thus, in the three decades that followed, people who entered without inspection and were subsequently placed in removal proceedings received bond hearings if ICE chose to detain them, unless their criminal history rendered them

ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

42. However, on July 8, 2025, ICE, “in coordination with” the Department of Justice, suddenly announced a new governmental policy that rejected the well-established understanding of the statutory framework and reversed decades of agency practice.

43. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection are subject to mandatory detention without bond under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for years.

44. In decision after decision, federal courts—both nationwide and here in the Western District of Texas—have rejected Respondents’ sudden reinterpretation of the statutory scheme, and have instead held that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. A partial list of cases is attached as Exhibit A.

45. This list is undoubtedly incomplete. As the media has reported, the government's new no-bond policy has "led to dozens of recent rulings from gobsmacked judges who say the administration has violated the law and due process rights The pile up of decisions is growing daily." Kyle Cheney and Myah Ward, *Trump's New Detention Policy Targets Millions Of Immigrants. Judges Keep Saying It's Illegal*, Politico (Sept. 20, 2025, at 4:00 PM ET), <https://www.politico.com/news/2025/09/20/ice-detention-immigration-policy-00573850>. More than 225 judges in 35 states have rejected the government's new interpretation.¹

46. In recent months, the Western District of Texas/or generally courts have repeatedly rejected Respondents' interpretation of the INA and granted writs of habeas corpus to detained noncitizens to whom Respondents denied a bond hearing. See *Gutierrez v. Thompson*, No. 4:25-4695, 2025 LX 573072 (S.D. Tex. Nov. 14, 2025); *Ortega-Aguirre v. Kristinoem*, No. 4:25-CV-04332, 2025 LX 513385 (S.D. Tex. Oct. 10, 2025); *Andres v. Noem*, No. H-25-5128, 2025 WL 3458893 (S.D. Tex. Dec. 2, 2025); *Peñuela Carlos v. Bondi*, 2025 WL 325561 (E.D. Tex. Nov. 21, 2025); *Orellana Cantarero v. Bondi*, 2025 WL 3252402 (E.D. Tex.

¹ *More than 220 judges have now rejected the Trump admin's mass detention policy*, Politico, November 28, 2025, available at <https://www.politico.com/news/2025/11/28/trump-detention-deportation-policy-00669861>.

Nov. 20, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sep. 21, 2025); *Cardona-Lozano v. Noem*, No. 1:25-CV-1784-RP, 2025 WL 3218244 (W.D. Tex. Nov. 14, 2025); *Santos v. Noem*, No. 3:25-CV-01193 SEC P, 2025 WL 2642278 (W.D. La. Sep. 11, 2025); *Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773-JKP, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025).

47. On September 5, 2025, the BIA issued a precedential decision that rejected the overwhelming consensus of the federal courts. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision held that all noncitizens who entered the United States without admission or parole are ineligible for bond hearings before an IJ.

48. The *Yajure Hurtado* decision—like the government policy it seeks to uphold—defies the INA. As Judge Robert White wrote—after noting that federal district courts are not bound by agency interpretations of statutes—the BIA’s reasoning is unpersuasive and “at odds with every District Court that has been confronted with the same question of statutory interpretation.” *Pizarro Reyes*, 2025 WL 2609425, at *7. *See also Sampiao*, 2025 WL 2607924, at *8 n.11 (noting court’s disagreement with BIA’s analysis in *Yajure Hurtado*); *Beltran Barrera*, No. 25-CV-541, 2025 WL 2690565, at *5 (same); *Chogllo Chafla*, No. 25-CV-00437, 2025 WL 2688541, at *7-8 (same).

49. As court after court has explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioners.

50. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

51. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people 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*, 779 F. Supp. 3d at 1256-57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

52. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

53. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who 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 Jennings*, 583 U.S. at 287 (explaining 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.”).

54. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people who have already entered and were residing in the United States at the time they were apprehended by immigration authorities and detained. Because § 1226(a), not § 1225(b), is the applicable statute, Petitioners’ detention without eligibility for bond is unlawful.

55. Petitioners seek relief from this Court because any months-long appeal to the BIA of an IJ’s decision denying bond would be futile. A new request for a bond hearing is likewise futile. First, the agency’s position is clear: both IJs and future panels of the BIA must follow the *Yajure Hurtado* decision. Further, the new governmental policy was issued “in coordination with DOJ,” which oversees the immigration courts, including the BIA—up to and including the ability of the Attorney General to modify or overrule decisions of the BIA, *see* 8 C.F.R. § 1003.1(h). It is therefore unsurprising that the BIA has (erroneously) held that persons like the Petitioners are subject to mandatory detention under § 1225(b)(2)(A), rather than being bond-eligible under § 1226(a). Moreover, in the

numerous identical habeas corpus petitions that have been filed nationwide, EOIR and the Attorney General are often respondents and have consistently affirmed via briefing and oral argument that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). *See, e.g.*, Resp. to Pet., *Lopez Campos v. Raycraft*, No. 25-CV-12546 (E.D. Mich. Aug. 9, 2025), Dkt. 9; Resp. to Pet., *Pizarro Reyes v. Raycraft*, No. 25-CV-12546 (E.D. Mich. Aug. 27, 2025), Dkt. 4.

56. Second, by the time the BIA could even issue an appeal—a process that typically takes at least six months, *Rodriguez*, 779 F. Supp. 3d at 1245, and in many cases roughly a year, *id.*—the harm of Petitioners’ unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be remediable.

57. Third, neither IJs nor the BIA have the authority to decide constitutional claims. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006). Here, Petitioners’ claims not only that Respondents are unlawfully detaining them without bond hearings under an inapplicable statute, but also that such detention violates Petitioners’ constitutional right to due process if the government seeks to deprive him of his liberty.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

58. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

59. Respondents are unlawfully detaining Petitioners without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

60. Section 1225(b)(2) does not apply to Petitioners, who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents.

61. Instead, Petitioners should be subject to the detention provisions of § 1226(a) and are therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an immigration judge.

62. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioners' results in Petitioners' unlawful detention without the opportunity for a bond hearing and violates the INA.

COUNT II

Violation of Due Process

63. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

64. The government may not deprive a person of life, liberty, or property 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).

65. Petitioners have a fundamental interest in liberty and being free from official restraint.

66. The government’s detention of the Petitioners without an opportunity for a custody determination or bond hearing to decide whether he is a flight risk or danger violates Petitioners’ right to due process.

Count III

Administrative Procedure Act

67. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

68. Respondents are unlawfully detaining Petitioners without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

69. Section 1225(b)(2) does not apply to Petitioners, who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents.

70. Instead, Petitioners should be subject to the detention provisions of § 1226(a) and are therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an immigration judge.

71. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioners' results in Petitioners' unlawful detention without the opportunity for a bond hearing. Such agency action is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2). Further, their refusal to provide her with a bond hearing violates § 706(1) of the APA.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that Respondents release Petitioners or provide Petitioners with a constitutionally adequate bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days;
- c. Enjoin Respondents from transferring Petitioners outside of this District during these proceedings;

- d. Declare that 8 U.S.C. § 1226(a)—and not 8 U.S.C. § 1225(b)(2)(A)—is the appropriate statutory provision that governs Petitioners’ detention and eligibility for bond because Petitioners are not a recent arrival “seeking admission” to the United States, and instead were already residing in the United States when apprehended and charged as inadmissible for having allegedly entered the United States without inspection;
- e. Award Petitioners 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
- f. Grant any other and further relief that this Court deems just and proper.

Dated: December 12, 2025

Respectfully submitted,

/s/ Javier N. Maldonado
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ATTORNEY FOR PLAINTIFF-PETITIONER

VERIFICATION OF COUNSEL

I, Javier N. Maldonado, hereby certify that I am familiar with the case of the named Petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Javier N. Maldonado

Javier N. Maldonado