

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

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Juan Carlos Mejia Osorio,  
Petitioner,

v.

Mary de Anda-Ybarra Field Office Director for  
the El Paso Field Office of U.S. Immigration  
and Customs Enforcement; Immigration and  
Customs Enforcement and Removal  
Operations (ICE/ ) ERO); KRISTI NOEM,  
Secretary of the Department of Homeland  
Security; U.S. Department of Homeland  
Security (DHS); PAMELA BONDI, Attorney  
General of the United States, and TODD  
LYONS, Director, Immigration and Customs  
Enforcement, Warden of the El Paso Service  
Processing Center

Respondents

Civil Action No. 5:25-cv-1732

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**PETITION FOR WRIT OF HABEAS CORPUS**

**I. INTRODUCTION**

1. Petitioner, Juan Carlos Mejia Osario, a native and citizen of Guatemala, is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the El Paso Processing Center, located within this Court’s jurisdiction. He seeks a writ of habeas corpus pursuant to 28 U.S.C. §2241, challenging his ongoing detention as unconstitutional and unlawful.

2. This Court has jurisdiction under 28 U.S.C. §2241(c)(3) to review the legality of Petitioner's custody. Venue lies in this district under 28 U.S.C. §1391(e) and §2241(d) because Petitioner is detained within the Western District of Texas.
3. Petitioner entered the United States seeking protection from persecution in Guatemala.
4. On August 28, 2025, the Immigration Judge granted bond under 8 U.S.C. §1226(a), setting the amount at two thousand dollars (\$2,000.00), based on findings that Petitioner presented no flight risk or danger. **(Exhibit A)**
5. On September 9, 2025, the same IJ revoked the bond order sua sponte, citing Matter of Yajure-Hurtado, without any change in facts or new allegations. **(Exhibit B)**
6. Petitioner timely filed an appeal with the BIA. **(Exhibit C)**
7. The BIA appeal remains pending, with no briefing schedule or decision issued to date. **(Exhibit D)**
8. Petitioner's next Master Calendar Hearing is set for December 11, 2025 before the El Paso Immigration Court. **(Exhibit E)**
9. Petitioner has no criminal history and substantial family ties in the United States.
10. Petitioner has been detained for more than three months following revocation of his previously granted bond.

## **II. JURISDICTION**

11. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security (DHS). She is detained at the El Paso Processing Center in El Paso, Texas and is under the direct control of Respondents and their agents.

12. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause).
14. 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.
15. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), (f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v Rodriguez*, 138 S. Ct. 830, 839-41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

### III. VENUE

16. Venue is proper in this District under 28 U.S.C. §1391(e) and §2241(d) because Petitioner is currently detained at the El Paso Processing Center, located within the jurisdiction of the Western District of Texas, El Paso Division. All relevant events and actions giving rise to this petition occurred within this District.

### IV. IDENTIFICATION OF THE PARTIES

17. Petitioner, Juan Carlos Mejia Osario, A#  is a native and citizen of Guatemala currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the El Paso Processing Center, 8915 Montana Avenue, El Paso, Texas 79925. He is

detained under the authority of 8 U.S.C. §1226(a). He is the individual in custody within the meaning of 28 U.S.C. §2241(c) and is the real party in interest in this action.

18. Respondent, Pam Bondi, is the Attorney General of the United States and is responsible for the overall administration of the Immigration and Nationality Act. She is sued in his official capacity.
19. Respondent, Todd Lyons, is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Juan Carlos Mejia Osorio and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
20. Respondent, Kristi Noem, is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
21. Respondent, Mary de Anda-Ybarra, Field Office Director for the El Paso Field Office of U.S. Immigration and Customs Enforcement. She oversees the detention and removal operations for noncitizens detained within this jurisdiction and is a proper respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).
22. Respondent, Warden of El Paso Service Processing Center in EL Paso, Texas. They oversee the detention for noncitizens detained within this jurisdiction is a proper respondent.
23. Respondent, Department of Homeland Security (DHS), is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

24. Respondent, U.S. Immigration Customs Enforcement (ICE), is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

#### IV. FACTUAL ALLEGATIONS

25. Respondent is a native and citizen of Guatemala, born on [REDACTED]. He has resided in the United States for over twenty years, during which time he has built deep and longstanding ties to his family and community.

26. He was detained by Immigration and Customs Enforcement (ICE) officers in Burbank, California, during a targeted enforcement action that occurred outside a Home Depot.

27. Following his arrest, Respondent was transferred to the El Paso Enhanced Hardened Facility in Texas, where he currently remains in ICE custody.

28. Mr. Mejia Osorio is married to a Guatemalan national without legal status, and together they have raised four U.S. citizen children.

29. Their children include twin eight-year-olds, a sixteen year-old, and an eighteen-year-old.

30. The family resides at [REDACTED] Winnetka, California 91306, where Mr. Mejia Osorio has long maintained a stable household and provided for his children.

31. Importantly, Respondent has no criminal history whatsoever.

32. His detention arose solely from his immigration status, and there are no allegations of conduct that would suggest he poses a threat to public safety.

33. Petitioner entered the United States seeking protection from persecution in Guatemala.

34. On August 28, 2025, the Immigration Judge granted bond under 8 U.S.C. §1226(a), setting the amount at two thousand dollars (\$2,000.00), based on findings that Petitioner presented no flight risk or danger. (Exhibit A)
35. On September 9, 2025, the same IJ revoked the bond order sua sponte, citing Matter of Yajure-Hurtado, without any change in facts or new allegations. (Exhibit B)
36. Petitioner timely filed an appeal with the BIA. (Exhibit C)
37. The BIA appeal remains pending, with no briefing schedule or decision issued to date. (Exhibit D)
38. Petitioner's next Master Calendar Hearing is set for December 11, 2025 before the El Paso Immigration Court. (Exhibit E)
39. Petitioner has no criminal history and substantial family ties in the United States.
40. Petitioner has been detained for more than three months following revocation of his previously granted bond.

#### **IV. LEGAL STANDARD**

41. A federal district court may grant habeas relief where an individual is held "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. §2241(c)(3). Immigration detention under 8 U.S.C. §1226(a) must comply with due process and cannot be prolonged arbitrarily or without individualized justification. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Demore v. Kim*, 538 U.S. 510 (2003).

**A. The Revocation of Bond Without Changed Circumstances Violates 8 C.F.R. §1003.19(e)**

42. Under 8 C.F.R. §1003.19(e), an Immigration Judge may not redetermine custody unless new information has arisen. The IJ revoked Petitioner's bond sua sponte, relying solely on Matter of Yajure-Hurtado, without new facts. Courts have held such actions exceed statutory authority. See *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006).

**B. The Revocation Was Arbitrary and Contrary to Due Process**

43. Once a bond is granted, it creates a liberty interest protected by due process. Arbitrary revocation without notice or hearing violates the Fifth Amendment. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Zadvydas*, 533 U.S. at 690.

**C. Matter of Yajure-Hurtado Does Not Authorize Retroactive Revocation**

44. *Yajure-Hurtado* addressed jurisdiction, not retroactive revocation. Retroactive application violates *Landgraf v. USI Film Products*, 511 U.S. 244 (1994).

**D. The Government Must Bear the Burden of Proof by Clear and Convincing Evidence**

45. Courts require the government to justify detention under §1226(a) by clear and convincing evidence. See *Singh v. Holder*, 638 F.3d 1196; *Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203 (3d Cir. 2020).

**E. Prolonged Detention Pending BIA Appeal Is Unreasonable and Unconstitutional**

46. Under *Zadvydas*, detention must be reasonably related to its purpose. Prolonged detention without progress violates due process. See *Diop v. ICE/Homeland Security*, 656 F.3d 221 (3d Cir. 2011).

**F. Violation of the Administrative Procedure Act Unlawful Denial of Bond**

47. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection.

**G. The Maldonado Bautista Declaratory Judgment Confirms That EWI Noncitizens Are Detained Under §1226(a), Not §1225(b), and Are Entitled to Bond Hearings**

48. Under the binding declaratory judgment, Petitioner may not be subjected to mandatory detention and must be considered under §1226(a), including eligibility for release on bond.

**H. Matter of Yajure-Hurtado Conflicts with Maldonado Bautista and Cannot Be Applied to Deny Bond Jurisdiction**

49. To the extent the IJ revoked Petitioner's bond based on Yajure-Hurtado, such action conflicts with a binding declaratory judgment.

**I. The Court's Declaratory Judgment Is Binding on EOIR and DHS and Must Be Applied Unless Stayed or Reversed**

50. The IJ's reliance on Yajure-Hurtado—despite a binding federal judgment rejecting its legal premise—is ultra vires and violates the separation of powers.

**J. Even If Respondent Were Not a Class Member, Maldonado Bautista Confirms the Proper Statutory Interpretation: EWIs Are Detained Under §1226(a)**

51. Detention must be evaluated under §1226(a) and requires an individualized bond determination.

### **K. Ongoing Detention Despite a Nationwide Declaratory Judgment Violates Due Process**

52. Continued detention in defiance of binding declaratory relief is constitutionally intolerable—particularly where Petitioner already received a bond grant.

### **V. ARGUMENT**

53. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. Immigration detention under both 8 U.S.C. §1226 (pre-removal detention) and §1225 (arriving aliens) is subject to constitutional limits. Congress did not authorize indefinite or arbitrary detention, and the Supreme Court has held that detention must remain reasonably related to its purpose and accompanied by adequate procedural safeguards. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

54. Section 1226(a) governs the detention of individuals pending a decision on whether they are to be removed. It explicitly provides for discretionary release on bond or conditional parole.

55. By contrast, §1225(b) applies primarily to individuals who are seeking admission at the border, requiring detention until a determination of admissibility or removal. However, even under §1225(b), the Supreme Court has recognized that detention cannot be prolonged indefinitely without violating the Due Process Clause. *See Clark v. Martinez*, 543 U.S. 371 (2005).

56. Here, Petitioner was detained under §1226(a), not §1225(b). Therefore, he was entitled to a bond hearing where the government bears the burden of demonstrating by clear and convincing evidence that detention is necessary. Once a bond was granted, the arbitrary revocation of that order—without new evidence or changed circumstances—violated the

statutory framework of §1226 and the Fifth Amendment's guarantee of procedural fairness.

57. Even assuming *arguendo* that the government sought to reclassify Petitioner's detention under §1225(b), such action would not cure the constitutional defect. Courts have held that detention under §1225(b) also triggers due process protections when it becomes prolonged or arbitrary. *See Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015), *rev'd in part, Jennings v. Rodriguez*, 583 U.S. 281 (2018). Under the framework articulated in *Demore v. Kim*, 538 U.S. 510 (2003), brief periods of detention during removal proceedings may be permissible, but extended confinement without an individualized hearing violates due process.

58. Petitioner's case exemplifies such a violation. He was initially granted bond under §1226(a), establishing that release was consistent with statutory authority and due process. The Immigration Judge's subsequent revocation, based solely on *Matter of Yajure-Hurtado* and without a new evidentiary basis, contravenes both §§1226 and 1225 and constitutes an unlawful deprivation of liberty.

**A. Petitioner's Detention Falls Under 8 U.S.C. §1226(a), Not §1226(c) or §1225(b)**

59. Petitioner is a non-arriving alien who entered the United States without inspection and was later apprehended inside the country. Detention authority over such individuals arises from 8 U.S.C. §1226(a), which expressly provides that the Attorney General may continue to detain or may release the alien on bond or conditional parole pending a decision on removal.

60. By contrast, §1226(c) and §1225(b) govern mandatory detention for narrow categories of individuals—§1226(c) applies to admitted noncitizens with certain criminal

convictions, while §1225(b) applies to arriving aliens at ports of entry whose admissibility has not been determined.

61. Because Petitioner entered without inspection and is not a criminal or arriving alien, he falls squarely within §1226(a). The Immigration Judge's reliance on *Matter of Yajure-Hurtado*, 28 I&N Dec. 878 (BIA 2024), to revoke bond was therefore legal error. Courts have consistently held that §1226(a) governs detention of noncitizens arrested after entering without inspection. *See Demore v. Kim*, 538 U.S. 510 (2003); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015), rev'd in part, *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

**B. Matter of Yajure-Hurtado Does Not Authorize Mandatory Detention and Was Misapplied**

62. The BIA's decision in *Matter of Yajure-Hurtado* addressed jurisdiction between DHS and EOIR over initial custody determinations. It did not alter the statutory limits of §1226(a) or authorize mandatory detention.

63. The Immigration Judge's revocation of Petitioner's bond based solely on *Yajure-Hurtado* extends the decision far beyond its holding and transforms discretionary custody into mandatory detention without statutory basis. Such interpretation contradicts the text of §1226(a) and violates constitutional due process as clarified in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), which held that immigration statutes authorizing detention do not permit indefinite or automatic custody without individualized hearings.

**C. Mandatory Detention Under §1225(b) Applies Only to "Arriving Aliens," Not EWIs**

64. Section 1225(b) mandates detention only for individuals seeking admission—arriving aliens at ports of entry. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281,

296–97 (2018), explained that §1225(b)(1) and (b)(2) apply to aliens in the process of being admitted.

65. Individuals like Petitioner, who entered without inspection and were later apprehended inside the country, are not applicants for admission under §1225(b). Their detention is instead governed by §1226(a), which provides for discretionary release. Courts including *Brito v. Garland*, 22 F.4th 240 (1st Cir. 2021), and *Preap v. Johnson*, 831 F.3d 1193 (9th Cir. 2016), aff'd sub nom. *Nielsen v. Preap*, 586 U.S. \_\_\_\_ (2019), confirm that mandatory detention applies only to those categories enumerated in the statute. Thus, treating Petitioner as subject to §1225(b) is a misapplication of law and an ultra vires expansion of agency authority.

**D. Due Process Under §1226 and §1225 Requires Individualized Determinations**

66. Even when detention is authorized, the Fifth Amendment requires an individualized assessment of danger and flight risk. In *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), the court held that the government must prove by clear and convincing evidence that detention is necessary. The Immigration Judge's reliance on Yajure-Hurtado to revoke bond, without factual findings or new evidence, violates this standard and deprives Petitioner of procedural fairness guaranteed under §§1226 and 1225.

**E. Prolonged and Indefinite Detention Violates the Statutes and the Fifth Amendment**

67. The Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), held that immigration detention must remain reasonably related to its purpose and cannot be prolonged indefinitely.

68. Jennings reaffirmed that statutory silence does not authorize indefinite detention. 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. *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted); *Demore v. Kim*, 538 U.S. 510, 522, 528 (2003). The government may not detain a noncitizen based on any other justification. Petitioner's continued detention—after a prior bond grant and in the absence of new evidence—serves no legitimate government purpose and violates both statutory and constitutional limits.

69. Neither community protection nor flight risk applies to the Petitioner, and therefore, the detention no longer bears a reasonable relation to the purpose for which it was committed. See *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Zadvydas*, 533 U.S. at 690. Petitioner has prevailed in proceedings. There is no removal order. His removal is not imminent.

**F. Violation of the Administrative Procedure Act Unlawful Denial of Bond**

70. Petitioner herein incorporates all allegations and facts set forth in the paragraphs above.

71. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

**G. The Maldonado Bautista Declaratory Judgment Confirms That EWI Noncitizens Are Detained Under §1226(a), Not §1225(b), and Are Entitled to Bond Hearings**

72. In *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-01873-SSS-BFM, the U.S. District Court for the Central District of California issued a **national declaratory judgment** holding that individuals who entered without inspection and were not

apprehended at the time of entry are detained under 8 U.S.C. §1226(a) and therefore eligible for bond hearings. The Court expressly rejected the government’s claim that all EWIs are “applicants for admission” subject to mandatory detention under §1225(b)(2)(A).

73. The Court found the government’s 2025 “no-bond” policy unlawful and held that class members must be afforded the bond processes afforded by §1226(a). It further certified a nationwide class—the Bond Eligible Class—and extended declaratory relief to the entire class, stating:

“The Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”*Id.* Maldonado Bautista, 2025 WL 3288403, at 9.

74. Petitioner falls squarely within this class because he: Entered without inspection; Was not apprehended upon arrival; and Is not subject to §§1226(c), 1225(b)(1), or 1231.

75. Under the binding declaratory judgment, Petitioner may not be subjected to mandatory detention and must be considered under §1226(a)—including eligibility for release on bond.

**H. Matter of Yajure-Hurtado Conflicts with Maldonado Bautista and Cannot Be Applied to Deny Bond Jurisdiction**

76. *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), created a nationwide barrier by declaring that immigration judges lack bond authority over all EWIs because they are supposedly subject to §1225(b)(2)(A) mandatory detention.

77. However, Maldonado Bautista squarely rejects the legal premise underlying Yajure-Hurtado, finding: EWIs who are not apprehended at the border are not applicants for admission; §1225(b) does not apply; §1226(a) governs detention and authorizes release on bond; and the DHS/EOIR no-bond policy is inconsistent with the plain language of the INA.
78. The Court held that the government’s no-bond regime had no statutory foundation and could not strip IJs of bond jurisdiction.
79. Thus, to the extent the IJ revoked Petitioner’s bond based on Yajure-Hurtado, such action: Conflicts with a binding declaratory judgment; Violates statutory authority under §1226(a); and Constitutes arbitrary detention in violation of the Due Process Clause.

**I. The Court’s Declaratory Judgment Is Binding on EOIR and DHS and Must Be Applied Unless Stayed or Reversed**

80. Declaratory relief issued in Maldonado Bautista has “the force and effect of a final judgment.” Federal agencies are presumed to comply with declaratory judgments.
81. Declaratory judgments have the same effect as injunctions in defining the parties’ legal entitlements. *See Florida ex rel. Bondi v. U.S. Dep’t of Health & Hum. Servs.*, 780 F. Supp. 2d 1307 (N.D. Fla. 2011)., *Sanchez-Espinoza v. Reagan*, 770 F.2d 202 (D.C. Cir. 1985) (Scalia, J., concurring in part and dissenting in part), *Smith v. Reagan*, 844 F.2d 195 (4th Cir. 1988), *Pub. Citizen v. Carlin*, 2 F. Supp. 2d 18 (D.D.C. 1998).
82. EOIR is a named defendant in Maldonado Bautista and is bound by the judgment. Therefore, the IJ’s reliance on Yajure-Hurtado—despite a binding federal judgment rejecting its legal premise—is ultra vires and violates the separation of powers.

**J. Even If Respondent Were Not a Class Member, Maldonado Bautista Confirms the Proper Statutory Interpretation: EWIs Are Detained Under §1226(a)**

83. Habeas petitioners may still challenge their detention independent of class membership, because *Maldonado Bautista* resolves the underlying legal issue: EWIs are detained under §1226(a), not §1225(b)(2)(A).

84. Thus, even if DOJ contests class membership, federal courts may grant habeas relief because: The interpretation of the INA is a pure question of law; Multiple district courts nationwide have rejected mandatory detention for EWIs; The statutory framework does not support the government's expansive reading of §1225(b).

85. This reinforces Petitioner's argument that detention must be evaluated under §1226(a) and requires an individualized bond determination.

**K. Ongoing Detention Despite a Nationwide Declaratory Judgment Violates Due Process**

86. DHS and EOIR have **instructed IJs not to comply** with a federal declaratory judgment. This systemic refusal amounts to: Arbitrary detention; A violation of procedural due process; and An unlawful assertion of executive power contrary to the judiciary's construction of the INA.

87. Continued detention in defiance of binding declaratory relief is constitutionally intolerable—particularly where Petitioner already received a bond grant.

**L. Summary of Legal Grounds for Relief**

88. Petitioner's detention is discretionary under §1226(a), not mandatory under §1226(c) or §1225(b);

89. Matter of Yajure-Hurtado does not create mandatory detention authority;

90. §1225(b) applies exclusively to arriving aliens, not those who entered without inspection;
91. Due process under §§1226 and 1225 requires individualized bond determinations;
92. Continued detention violates the INA and the Fifth Amendment's Due Process Clause.
93. Under the binding declaratory judgment, Petitioner may not be subjected to mandatory detention and must be considered under §1226(a)—including eligibility for release on bond.
94. To the extent the IJ revoked Petitioner's bond based on Yajure-Hurtado, such action conflicts with a binding declaratory judgment.
95. Thus, to the extent the IJ revoked Petitioner's bond based on Yajure-Hurtado, such action: Conflicts with a binding declaratory judgment; Violates statutory authority under §1226(a); and Constitutes arbitrary detention in violation of the Due Process Clause.
96. Therefore, the IJ's reliance on Yajure-Hurtado—despite a binding federal judgment rejecting its legal premise—is ultra vires and violates the separation of powers.
97. Continued detention in defiance of binding declaratory relief is **constitutionally intolerable**—particularly where Petitioner already received a bond grant.

## VI. REQUEST FOR RELIEF

98. Assume jurisdiction over this matter.
99. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
100. Grant the Writ of Habeas Corpus under 28 U.S.C. §2241;

- 101. Order Petitioner’s immediate release under reasonable supervision; or, alternatively;
- 102. Order a constitutionally adequate bond hearing within seven (7) days where the government bears the burden by clear and convincing evidence;
- 103. Enjoin Respondents from re-detaining Petitioner absent lawful basis;
- 104. Immediate release; or
- 105. At minimum, a prompt, constitutionally adequate bond hearing under §1226(a).
- 106. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- 107. Grant any other relief this Court deems just and proper.

**VII. EXHIBIT LIST**

Exhibit	Description	Date/Source
A	Immigration Judge Bond Order granting release	EOIR Order, Aug. 28, 2025
B	Order Revoking Bond citing Matter of Yajure-Hurtado	EOIR Order, Sept. 9, 2025
C	Notice of Appeal to BIA (EOIR-26)	October 16, 2025
D	EOIR Case Status Printout showing appeal pending	November 2025
E	Hearing Notice for Master Calendar	November 6, 2025
F	ICE I-286 Notice of Custody Determination	July 6, 2025

G	Unsworn Declaration	December 9, 2025

Respectfully submitted,

/s/ Fernando D. Gireud

**Fernando Gireud**

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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Juan Carlos Mejia Osorio, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 11<sup>th</sup> day of December 2025

/s/ Fernando D. Gireud

**Fernando Gireud**