



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**

Anderson Immigration Law Group

Texas Bar # 24074282

213 S. El Paso St.

El Paso, Texas 79901

Phone: (228) 831-0025

Fax: (877) 809-2390

[fgireud@immigrationanderson.com](mailto:fgireud@immigrationanderson.com)

**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**

# **EXHIBIT A**



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
EL PASO SPC IMMIGRATION COURT**

Respondent Name:  
MEJIA OSORIO, JUAN

To:  
Sanchez, Jorge Raul  
213 S. El Paso St.  
El Paso, TX 79901

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

08/28/2025

**ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
  - released from custody under bond of \$ 2,000.00
  - other:

Other:



Immigration Judge: RUHLE, STEPHEN 08/28/2025

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 09/29/2025

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [ E ] Alien atty/rep. | [ E ] DHS

Respondent Name : MEJIA OSORIO, JUAN | A-Number :



Riders:

Date: 08/28/2025 By: Soto, Cynthia, Court Staff

# **EXHIBIT B**



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
EL PASO SPC IMMIGRATION COURT**

Respondent Name:  
MEJIA OSORIO, JUAN

To:  
Sanchez, Jorge Raul  
213 S. El Paso St.  
El Paso, TX 79901

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

09/08/2025

**AMENDED ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because  
No jurisdiction, per Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025).
  
- Granted. It is ordered that Respondent be:
  - released from custody on his own recognizance.
  - released from custody under bond of \$
  - other:
  
- Other:  
Prior bond of \$2000 is REVOKED.



Immigration Judge: RUHLE, STEPHEN 09/08/2025

Appeal:	Department of Homeland Security:	<input checked="" type="checkbox"/>	waived	<input type="checkbox"/>	reserved
	Respondent:	<input type="checkbox"/>	waived	<input checked="" type="checkbox"/>	reserved

Appeal Due: 10/08/2025

**Certificate of Service**

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Respondent Name : MEJIA OSORIO, JUAN | A-Number :



Riders:

Date: 09/08/2025 By: Soto, Cynthia, Court Staff

# **EXHIBIT C**

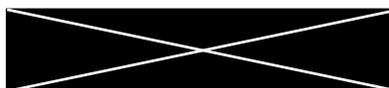


**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION APPEALS**

Sanchez, Jorge Raul  
Anderson Immigration Law Group  
213 S. El Paso St.  
El Paso, TX 79901

DHS/ICE Office of Chief Counsel - EPD  
11541 MONTANA AVENUE, SUITE O  
El Paso, TX 79936

Name:  
MEJIA OSORIO, JUAN



Riders:

Date of Notice: 10/16/2025

**FILING RECEIPT FOR APPEAL OR MOTION**

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 10/07/2025, in the above-referenced case, filed by the Respondent

Additional Comments  
N/A

**WARNING FOR APPEALS:**

**Departure.** If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

**Proof of posting voluntary departure bond.** If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

**Autostay Bond Appeals.** Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

**Form EOIR-27.** If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

**WARNING FOR MOTIONS:**

**Stay of removal.** Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

**Form EOIR-27.** If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

**FILING INSTRUCTIONS:**

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

Accepted by: CarterE

CC

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

OMB# 1125-0002  
**Notice of Appeal from a Decision of an  
Immigration Judge**

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

Juan Carlos Mejia Osorio

A-Number:



For Official Use Only



**WARNING:** Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am  the Respondent/Applicant  DHS-ICE (Mark only one box.)

3. I am  DETAINED  NOT DETAINED (Mark only one box.)

4. My last hearing was at September 8, 2025 (Location, City, State)

5. What decision are you appealing?

*Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).*

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated \_\_\_\_\_.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated September 8, 2025. (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court?  Yes.  No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated \_\_\_\_\_.

*(Please attach a copy of the Immigration Judge's decision that you are appealing.)*

EOIR 5 of 7

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

The respondent is detained and his last hearing was held on August 28, 2025. I am appealing the Immigration Judge's amended bond decision dated September 8, 2025, which vacated the prior bond order of August 28, 2025, originally granting bond in the amount of \$2,0000.

The amended decision is arbitrary and capricious, as it purports to retroactively apply Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025)—a precedent issued after the Immigration Judge had already granted bond. The judge's subsequent action effectively revoked a lawful bond determination by giving retroactive effect to a newly issued decision, without providing the respondent any notice, opportunity to be heard, or the ability to present argument on the jurisdictional issue. The Immigration Judge's reasoning misapplies the scope of Yajure-Hurtado by asserting that the decision nullifies prior bond grants to respondents who entered without inspection. The amended order thus exceeds the court's authority, lacks procedural fairness, and constitutes an abuse of discretion

(Attach additional sheets if necessary)

**! WARNING:** You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

- 7. Do you desire oral argument before the Board of Immigration Appeals?  Yes  No
- 8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal?  Yes  No
- 9. If you are unrepresented, do you give consent to the BIA Pro Bono Project to have your case screened by the Project for potential placement with a free attorney or accredited representative, which may include sharing a summary of your case with potential attorneys and accredited representatives? (There is no guarantee that your case will be accepted for placement or that an attorney or accredited representative will accept your case for representation)  Yes  No

**! WARNING:** If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

10. **Print Name:** Jorge Sanchez

11. **Sign Here:**   10/07/25

Signature of Person Appealing  
(or attorney or representative)

Date

12. **Mailing Address of Respondent(s)/Applicant(s)**

Juan Mejia Osorio  
 (Name)

[Redacted]  
 (Street Address)

[Redacted]  
 (Apartment or Room Number)

[Redacted]  
 (City, State, Zip Code)

[Redacted]  
 (Telephone Number)

11. **Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)**

Jorge Sanchez  
 (Name)

213 S. EL PASO ST.  
 (Street Address)

[Redacted]  
 (Suite or Room Number)

EL PASO, TEXAS, 79901  
 (City, State, Zip Code)

(228) 831-0025  
 (Telephone Number)

**NOTE:** You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

**NOTE:** If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

13. **PROOF OF SERVICE (You Must Complete This)**

I Jorge Sanchez (Name) mailed or delivered a copy of this Notice of Appeal on 10/07/2025 (Date) to OPLA - El Paso, Texas (Opposing Party) at \_\_\_\_\_ (Number and Street, City, State, Zip Code)

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

**SIGN HERE**  X  Signature

**NOTE:** If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

**WARNING:** If you do not complete this section properly, your appeal will be rejected or dismissed.

**WARNING:** If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

**HAVE YOU?**

- Read all of the General Instructions.
- Provided all of the requested information.
- Completed this form in English.
- Provided a certified English translation for all non-English attachments.
- Signed the form.
- Served a copy of this form and all attachments on the opposing party, if applicable.
- Completed and signed the Proof of Service
- Attached the required fee payment receipt, fee, or Fee Waiver Request.
- If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant.

# **EXHIBIT D**

### BIA Information

<b>BIA Case Type:</b>	Bond Appeal		
<b>Filed On Date:</b>	10/07/2025	<input checked="" type="checkbox"/> This case has a paper ROP. All filings must be made in paper.	
<b>Alien Name:</b>	MEJIA OSORIO, JUAN		
<b>Appeal Due Date:</b>	10/08/2025		
<b>Alien Brief Due Date:</b>	-- N/A --	<b>Alien Brief Filed On Date:</b>	-- N/A --
<b>DHS Brief Due Date:</b>	-- N/A --	<b>DHS Brief Filed On Date:</b>	-- N/A --
<b>BIA Decision Date:</b>	-- N/A --	<b>BIA Decision:</b>	Pending

### BIA Actions

Upload BIA Documents

Download eROP

File MTR at BIA

 The documents for this case do not exist online.

For information on viewing or obtaining a copy of the official record, please consult the EOIR Policy Manual available at [www.justice.gov/eoir](http://www.justice.gov/eoir).

# **EXHIBIT E**

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
EL PASO IMMIGRATION COURT

LEAD FILE:   
IN REMOVAL PROCEEDINGS  
DATE: Nov 6, 2025  
EAD Clock:

TO: Anderson Immigration Law Group  
Sanchez, Jorge Raul  
213 S. El Paso St.  
El Paso, TX 79901

RE:  MEJIA-OSARIO, JUAN CARLOS

**Notice of Internet-Based Hearing**

Your case has been rescheduled for a MASTER hearing before the immigration court on:

Your hearing is not in person. You will access your hearing by using the web page below.  
URL: <https://eoir.webex.com/meet/IJ.Tuckman>

Date: Dec 11, 2025  
Time: 1:00 P.M. MT  
Court Address: 8915 MONTANA AVENUE, EL PASO, TX 79925

**Representation:** You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

**Failure to Appear:** If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

**Change of Address:** The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

**Internet-Based Hearings:** If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

**In-Person Hearings:** If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call **1-800-898-7180** (toll-free) or **304-625-2050**.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]

TO: [ ] Noncitizen | [ ] Noncitizen c/o Custodial Officer |

[ E ] Noncitizen ATT/REP | [ E ] DHS

DATE: 11/06/2025 BY: COURT STAFF D. Antunez

Attachments: [ ] EOIR-33 [ ] Appeal Packet [ ] Legal Services List [ ] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਨੂੰ ਆਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੱਠੇ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নোটিশ পড়ার জন্য এই পজেরে কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন



सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entelijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

# **EXHIBIT F**

DEPARTMENT OF HOMELAND SECURITY  
NOTICE OF CUSTODY DETERMINATION

Allen's Name: MEJIA OSORIO, JUAN CARLOS

A-File Number: [Redacted]

Date: 07/06/2025

Event ID: [Redacted]

Subject ID: [Redacted]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- Detained by the Department of Homeland Security.
- Released (check all that apply):
  - Under bond in the amount of \$ \_\_\_\_\_
  - On your own recognizance.
  - Under other conditions. [Additional document(s) will be provided.]

AVILA, R 804  
Name and Signature of Authorized Officer

07/06/2025 10:14 AM  
Date and Time of Custody Determination

SDDO  
Title

ICE ERO EL PASO DETENTION FACILITY 8915 MONTANA AVENUE EL PASO, TX US 79925  
Office Location/Address

You may request a review of this custody determination by an immigration judge.

- I acknowledge receipt of this notification, and
- I do request an immigration judge review of this custody determination.
- I do not request an immigration judge review of this custody determination.

Refused to sign  
Signature of Alien

07/06/2025  
Date

The contents of this notice were read to MEJIA OSORIO, JUAN CARLOS in the SPANISH language.  
(Name of Alien) (Name of Language)

LUNA, JASMIN  
Name and Signature of Officer

8704  
Name or Number of Interpreter (if applicable)

Deportation Officer  
Title

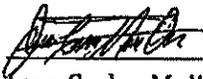
# **EXHIBIT G**



5. On September 9, 2025, the Immigration Judge revoked that bond order, citing Matter of Yajure-Hurtado, despite no change in circumstances.
6. I timely appealed the revocation to the Board of Immigration Appeals ("BIA"), where the appeal remains pending.
7. My next Immigration Court hearing is scheduled for December 11, 2025.
8. I have complied with all immigration requirements and I have no criminal history.
9. I have been detained continuously since September 9, 2025, without any new evidence or justification offered for my continued detention.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

Executed on this 9 day of December, 2025, at El Paso, Texas.



Juan Carlos Mejía Osorio

A#

El Paso Processing Center

El Paso, Texas

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of December, 2025, I filed the foregoing **Petition for Writ of Habeas Corpus**, together with all exhibits and proposed orders, through the Court's **CM/ECF electronic filing system**. Filing through CM/ECF constitutes service on all counsel of record, including the **United States Attorney for the Western District of Texas**, pursuant to **Federal Rule of Civil Procedure 5(b)(2)(E)**.

In addition to electronic service, and **out of an abundance of caution**, I further certify that on the same date I served copies of the foregoing pleadings **by certified mail, return receipt requested**, and/or by electronic mail, on the following:

**Respondents and Officials Served**

**Mary De Anda-Ybarra**

Field Office Director  
U.S. Immigration and Customs Enforcement  
Enforcement and Removal Operations (ERO)  
El Paso Field Office

*Address on file*

*(Certified Mail, Return Receipt Requested)*

**Immigration and Customs Enforcement**

Enforcement and Removal Operations (ERO)  
U.S. Department of Homeland Security  
*(Certified Mail, Return Receipt Requested)*

**Todd Lyons**

Director  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, DC 20536

*(Certified Mail, Return Receipt Requested)*

**Kristi Noem**

Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave., SE  
Washington, DC 20528

*(Certified Mail, Return Receipt Requested)*

**Pamela Bondi**

Attorney General of the United States

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

*(Certified Mail, Return Receipt Requested)*

**Warden / Director**

El Paso Service Processing Center

U.S. Immigration and Customs Enforcement

8915 Montana Avenue

El Paso, Texas 79925

*(Certified Mail, Return Receipt Requested)*

Service was made pursuant to **Federal Rules of Civil Procedure 4(i) and 5**, and **Local Rule CV-5** of the Western District of Texas.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Fernando D. Gireud

**Fernando Gireud**

Anderson Immigration Law Group

Texas Bar # 24074282

213 S. El Paso St.

El Paso, Texas 79901

Phone: (228) 831-0025

Fax: (877) 809-2390

[fgireud@immigrationanderson.com](mailto:fgireud@immigrationanderson.com)