

UNITED STATES DISTRICT COURT

for the

FILED

DEC 15 2025

RAHAT MAHFUZ CHOWDHURY

Petitioner

(the name under which you were convicted)

v.

WARDEN OF THE CALIFORNIA CITY DETENTION CENTER

Respondent

(authorized person having custody of Petitioner)

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

Case Number:

1:25CV 01860 KES SKO(HC)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: RAHAT MAHFUZ CHOWDHURY
(b) Other names you have used: NA
2. Place of confinement:
(a) Name of institution: CALIFORNIA CITY DETENTION CENTER
(b) Address: 22844 Virginia Blvd, California City, CA, 93505
(c) Your identification number: A [REDACTED]
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☐ Other - explain:
DHS
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

RECEIVED

DEC 15 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: ADELANTO IMMIGRATION COURT

(b) Docket number, case number, or opinion number: [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

BOND HEARING WRONGFULLY DENIED ON GROUNDS OF NO JURASDICTION

SUBJECT TO MANDATORY DETENTION PER S1225 VIOLATION OF THE DUE PROCESS CLAUSE

(d) Date of the decision or action: 09/04/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: ADELANTO IMMIGRATION COURT APPEALED TO BIA

(2) Date of filing: 09/20/2025

(3) Docket number, case number, or opinion number: [REDACTED]

(4) Result: PENDING

(5) Date of result: PENDING

(6) Issues raised: BOND HEARING WRONGFULLY DENIED ON GROUNDS OF NO JURASDICTION
VIOLATION OF THE DUE PROCESS CLAUSE

(b) If you answered "No," explain why you did not NA

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: PENDING RESULT

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: PENDING RESULT

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 06/18/2025

(b) Date of the removal or reinstatement order: NONE

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 09/20/2025

(2) Case number: 

(3) Result: PENDING

(4) Date of result: _____

(5) Issues raised: _____

BOND HEARING WRONGFULLY DENIED ON GROUNDS OF NO JURASDICTION
VIOLATION OF THE DUE PROCESS CLAUSE

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: VIOLATION OF THE DUE PROCESS RIGHT OF THE 5TH AMENDMENT

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

IN IMPOSING A MANDATORY DETENTION AND REFUSING ME RIGHT TO A BOND HEARING
IN WHICH I MAYBE RELEASED THE GOVERNEMNT VIOLATES MY DUE PROCESS RIGHT

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes ☐ No

GROUND TWO: VIOLATION OF THE I.N.A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

IN MANDATING MY DETENTION THE GOVERNMENT USES THE INCORRECT STATUE IN GOVER-
NING MY DETENTION. THE GOVERNMENTS MANDATES MY DETENTION USING THE PROVISIONS
OF S1225 WHEN THE CORRECT STATUE FOR MY DENTENION IS S1226

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: I SEEK TO BE IMMEDIATELY RELEASED FROM DETENTION

OR SUBSEQUENTLY BE GIVEN A HOND HEARING WHERE THE GOVERNMENT BEARS THE BURDEN THAT
I AM A FLIGHT RISK AND/OR DANGER TO THE PUBLIC SAFETY

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

12/8/2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

12/5/25



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Rahat Mahfuz Chowdhury



California City Immigration Processing Center

22844 Virginia Blvd

California City

CA

93505

DETAINED

SUPPORTING DOCUMENTS FOR WRIT OF HABEAS CORPUS

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S1225 V S1226 LEGAL FRAMEWEOK

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BOND DENIAL 09/04/2025

BOND APPEAL

BOND DENIAL MEMO

Name: Rahat Mahfuz Chowdhury

A Number: 

Citizen: United Kingdom

Address: Adelanto Processing Center, Facility, Desert View Annex, 10450 Rancho Road, Adelanto, CA, 92301

Dorm: 

Detained

Claim

- I. Violation Of The Due process Clause Of The United States Constitution
- II. Violation Of The INA
- III. Unlawful Unwarranted Detention Not Governed By Any Statutory Grounds

I petition for Writ of Habeas Corpus against my unlawful detention, where I am “in custody in violation of the constitution or laws or treaties of the United States” 28 U. S. C §2241 (c)(3). The DHS has wrongfully and unlawfully applied the provision of U. S. C §1225 (b)(2) to mandate detention stripping me of a bond hearing before an Immigration Judge. In unlawfully mandating my detention by not granting me a bond hearing within the correct governing statute of my detention the DHS is in violation of my Procedural Due Process Right and Substantive Due Process Right. Having been detained for 3 months without the right to a bond hearing the DHS has and continues to cause irreparable harm and deprives me of my liberty each and every day I am confined within the same confinements as a punitive detainee.

While certain constitutional protections do not extent outside the ‘geographic borders’ of the United States “legal circumstances chance” as soon as a noncitizen “enters the country” See A.A.R.P V. Trump 605 U.S 91, 94, 145 S. Ct 1364, 221 L. Ed. 2D 765 (2025). As such the DHS/ICE unlawfully detains me without any current proceedings. Whilst I have submitted an appeal with the BIA for §240 Removal Proceedings it was the Departments own motion that sought to dismiss the matter without prejudice. The Department stated it would correctly file its allegations which it did not do. The government acted in ill faith in an attempt to place me in expedited removal in violation of the I. N. A where all noncitizens subject to §1225(b)(2) and §1226(a) are subject to removal proceedings to determine whether an alien is admissible or not. The DHS fails to allege me of any allegations nor place me in removal proceedings yet still continues to detain me.

The Supreme Court have consistently held that non-punitive detention violates the constitution unless it is strictly limited, and typically accompanied by a prompt individualized hearing before a neutral decision maker to ensure that imprisonment serves the governments legitimate goals. In 3 months of detention the DHS still has not correctly filed its allegations or litigated correct removal proceedings or even so identified the correct governing statute for my detention. Not only is the governing statute that wrongfully detains me a violation of the constitution, but the fact that there is no governing warrant, allegations or even proceedings against me is a clear violation of the constitution. I am held with no procedural cause and the DHS has failed to serve its intentions. Whilst I do not dispute that I am an alien without the legal status within the United States the DHS still cannot hold me detained with no due purpose.

X



Rahat Mahfuz Chowdhury
Detainee

Name: Rahat Mahfuz Chowdhury

A Number: 

Citizen: United Kingdom

Address: Adelanto Processing Center, Facility, Desert View Annex, 10450 Rancho Road, Adelanto, CA, 92301

Dorm: 

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§1225 V §1226 Statutory Framework

U. S. C §1225

Section 1225 applies to “applicant for admission; who are, as relevant here, noncitizens ‘present in the United States who have not been admitted’” Gomes v Hyde 2025 WL 1869299 at *2 (D. Mass. July 7, 2025) 8 U. S. C §1225 (a) (1). Under this section, all applicants must be inspect by an immigration officer 8 U. S. C §1225 (a)(3). Under subsection (b) certain applicants for admission may be subject to removal proceedings. Dep’t of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 108-09 (2020). Because section 1225 is mandatory a “noncitizen detained under §1225(b)(2) may be released only if he is paroled for urgent humanitarian reasons or significant public benefit” Gomes, 2025 WL 1869299 at *1. However section 1225 (b) only “authorizes the Government to detain certain aliens seeking admission into the country” 8 U. S. C §1225 (B)

U. S. C §1226

§1226 (a) An individual detained pursuant to §1226(a) may request bond before an IJ before a removal order becomes final. If at this hearing detainee demonstrates by the preponderance of the evidence that he is not a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk, the IJ will order his release.

Section 1226 “authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings” Jennings v. Rodriguez 583 U.S. 281, 289 (2018). §1226 creates a discretionary framework for non citizens arrested and detained based upon “a warrant issued by the Attorney General” 9 U. S. C §1226(a). The Attorney General “may continue to detain the arrested alien” “may release the alien” on bond of at least \$1,500 or “may release the alien” on parole. The arresting immigration officer makes an initial custody determination. 8 C. F. R §1236.1 (c) (8) (d) (1). However noncitizen can appeal that determination in a bond hearing before an immigration judge. Recently congress amended §1226. While Section 1226(a) is a discretionary framework, congress added two new mandatory detentions to section 1226 codified in Section 1226(c) through the Laken Riley Act. Pub. L. No. 119-1, S2, 139 Stat. 3, 3 (2025)

Summary

Summarizing the relevant distinctions §1225 (b)(2) mandates detention through removal proceedings whilst §1226 entitles a discretionary bond hearing before an immigration judge at any time before a final removal order. Rodriguez v. Bostock, 779 F. Supp. 3D 1239, 1247 (W.D Walsh, 2025)

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Analysis §1225 v §1226

In determining if my detention is unlawful and a violation of the constitution, The legality lies in addressing the correct governing provision that governs my detention, §1225(b)(2) as claimed by the DHS or discretionary detention provisions in §1226(a) see Rodriguez v Bostock 779 3d 1239 1247 WD wash 2025 (explaining that “noncitizens detained under §1225(b)(2) must remain in custody for the duration of their removal proceedings, while those detained under §1226 are entitled to bond hearing at any time before entry of a final removal order”

The court must give each and every word meaning, this includes the title. A “title is especially valuable [where] it reinforces what the texts nouns and verbs independently suggest.” Yates v United States, 574 U.S. 528, 552 Section 1225 is titled “Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing” The added word of “arriving” indicates that the statute governs “arriving” non citizens, not those present already. This is further supported by the text of the statute itself, which is focused on inspections for non citizens when they arrive via “crewmen” or as stowaways”. 8 U. S. C. §1225(b)(2). This suggests that §1225 is limited to non citizens arriving at a border or port and are presently seeking admission into the United States. Pizzaro Reyes, 2025 WL 2609425, at 5*. The clear text interpretation reads that §1225 is much more limited in scope the DHS asserts. The court must give an effect to the clear meaning of statutes as written. The plain text does not support the departments claims that mandatory detention applies to non citizens who have already entered the United States unlawfully as opposed to those who are in the process of initially arriving. §1225 applies to inspection for applicant for admission and subsection 1 governs inspection of arriving aliens into the United States and certain other aliens who have not been admitted or paroled. §1226 applies to the apprehension and detention of aliens. The court should not ignore the section headings as they are instructive and provide the necessary assurance that it is applying the right part of the statute in a given circumstance.

§1225 clearly states the term ‘seeking’, seeking admission implies action something that is occurring this would logically apply at the border. One would not seek admission after already being present in the United States. Moving away from the title, the context of §1225 within the statutory scheme also provides guidance. The DHS has isolated provisions to its favor and not construed the full statute. King v. Burwell, 576 U.S. 473, 486, (2015). The supreme court has also explained that Section 1226 is the “default rule” and “applies to aliens already present in the United States” Jennings v Rodriguez, 583 U.S. 281, 288, 301, (2018) The inclusion of the catchall provision is not intended by congress to mandate detention for aliens already present but rather a way for congress to capture non citizens who fall out of the specified categories.

Furthermore, if §1225(b)(2) already mandated detention of any alien who has not been admitted, regardless of how long they have been here, Congress passing the Laken Riley Act would have no

X 

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meaning and be completely futile. It would simply perform the same work that was already covered by §1225. If “Congress had intended for Section 1225 to govern all non citizens present in the country, who had not been admitted, then it would not have recently adopted an amendment to Section 1226 that prescribes a subset of non citizens to be exempt from the discretionary framework” Maldonado v. Olsen, 2025 WL 2374411, at *12 (D. Minn. Aug. 15, 2025)

Case Studies

- Martinez v Hyde 2025 U.S DIST LEXIS 141724

§1226 governs separate non mandatory detention scheme when an individual is already present in the United States.

- Jennings v Rodriguez 583 U.S 281

The line historically drawn between these 2 sections, §1225 governs the detention of non citizens seeking admission into the United States whilst §1226 governs detention of non citizens already in the United States.

- 62 Fed. Reg. 10312-01

The government have also confirmed that despite being applicants for admission, Aliens that 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.

- Gomes v Hyde. 2025 U.S Dist Lexis 128085

Whilst §1225 in its entirety mandates detention, the Section governs arriving aliens, not those present within the United States unless they were paroled into the United States. §1225(B)(2) cannot be read to mandate detention on non citizen already present within the United States based on certain admissibility grounds that would nullify a recent amendment to the immigration statute.

- Leng May Ma 357 U.S at 187 Quoting Meza 345 U.S at 212

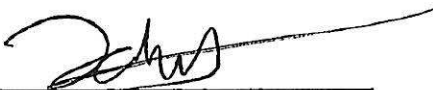
“Our Immigration laws have long made a distinction between those aliens who have come to our shores seeking admission and those who are within the United States after entry, irrespective of its legality. In the latter instance the court have recognized additional rights and privileges not extended to those in the former category who are merely on the threshold of initial entry.”

The supreme court has looked at these statutes and clarified that they apply in different circumstances.

Jennings V Rodriguez 583 Us 281 CT 830

§1225 is framed as part of the process that generally begins at the nations border and ports of entry where the government must determine whether non citizen seeking to enter are admissible.

Whereas §1226 applies to the process of arresting and detaining non citizens who are already living within the United States but still subject to removal.

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Cases With Petitioners Situated Similar

The greater weight of federal authority so far rejects the governments reading of §1225(b)(2)
See Listed Below Similar Situated Petitioners

Reyes v Raycraft	(2025) U.S. DIST LEXIS 175767
Gomes v Hyde	(2025) U.S. DIST LEXIS 128085
Garcia v Noem	(2025) U.S. DIST LEXIS 171714
Lopez-Campos v Raycraft	(2025) U.S. DIST LEXIS 169423
Martinez v Hyde	(2025) U.S. DIST LEXIS 141724
Bautista v Santacruz	(2025) U.S. DIST LEXIS 171364
Rosado v Figueuroa	(2025) U.S. DIST LEXIS 156334
Lopez Benitez v Francis	(2025) U.S. DIST LEXIS 157214
Gonzalez v Noem	(2025) U.S. DIST LEXIS 164909
dos Santos v Noem	(2025) U.S. DIST LEXIS 157488
Maldonado v Olson	(2025) U.S. DIST LEXIS 158321
Romero v Hyde	(2025) U.S. DIST LEXIS 160622
Vazquez v Bostock	779 F.Supp. 3D 1239 (2025)

From studying all the above recent cases, the department argued that petitioners were subject to §1225(b) and its two provisions (1) or (2). In doing so department attempted to mandate detention upon these petitioners situated across the country, In each and every case the petitioners like myself entered the United States without being admitted or paroled and continued to live within the United States in some cases for 30 years until they were recently apprehended and subjected to removal proceedings. In each and every case the courts found that the petitioners were not subject to §1225 or any of its provisions but rather §1226.

X



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Background

Personal Background

Whilst the statutory framework and analysis differentiate the two governing statutes my own personal background is crucial in ensuring that the correct statute is applied to my own matter as each case is of its own merits something which the DHS fails to acknowledge.

A born citizen of the United Kingdom I entered the United States around June/July of 2023 from the Indian Native border located around the New York, Plattsburgh area. When entering into the United States there were no evident borders or officials or any physical port of entry. I did not seek admission or parole when entering and I was not admitted nor paroled. I was never subject to Immigration Proceedings until I was detained by ICE on the 07/16/2025 during its increased raids of Los Angeles. Throughout the two years that I resided within the United States I remained within the country, and even flew in-state on one occasion from Los Angeles to New York with my fiancée to celebrate New Years 2025 using my own passport with no issues. I have remained present within the United States without being admitted or paroled. I have never sought admission from an Immigration Official nor was I apprehended at a port of entry or within 100km of any border crossing.

Having resided within the United States for two years I have a fiancée who is a United States citizen who I have been in a committed relationship with since January 2024. We have both expressed our intentions orally and officially in writing to ICE and DHS of our intent to marry. We have also shared proof that these intentions existed prior to my detention as we had planned to marry in August of 2025, however I was detained in June and remain detained. We have shared with DHS and the Immigration Judges proof through flight details of my own immediate family who were visiting to commence cultural traditions for marriage. However all our requests have gone ignored.

Whilst the DHS alleges that I am an arriving alien subject to the statute of §1225 I argue the allegation with relevance to above facts that I have been present within the United States for two years and that as a present alien the constitutional rights apply to all persons once they are within the country. The constitution extended the right of due process to all those present within the United States and as such Congress would not mandate detention to those non-citizens in comparison to those 'arriving aliens' who the constitution does not extend to. The DHS has incorrectly applied the wrong statute and unlawfully mandates my detention.

I have resided within the United States for a period of 2 years, I also have a fiancée who is a United States citizen, I have proof through images and lease agreements to show that I have resided within the United States irregardless of its legality. I was not arrested at a port of entry or within a 100km of a land or sea border. Neither was I admitted or paroled into the United States by an examining officer. I have never sought admission or parole to be deemed seeking.

X



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Conclusion

To summarize from the above analysis, case studies and statutory framework, the DHS has mandated detention under §1225 (b)(2) a provision of §1225 which has been found by the Supreme Court as the statute to detain “Arriving Aliens”. The DHS has used a catchall provision without applying the full context of a statute. Whilst the stance of the DHS against noncitizens has changed in recent times it cannot ignore legislative history and its own longstanding agency practices to mandate unconstitutional detention. The actions of Congress in amending §1226 clearly indicates that §1225(b) whilst it serves as a catchall provision for arriving aliens does not govern the detention of aliens present within the United States, should that have been the case Congress would not have added The Laken Riley Act which also mandates detention for certain present aliens. If the statute of §1225 had the jurisdiction to mandate detention for present aliens The Laken Riley Act would not need to have been added. To suggest otherwise would be to indicate that Congresses decision to make this amendment was pointless.

Both §1225(b) (1) & §1225(b)(2) require the detention of persons deemed to be applicants for admission. An applicant for admission is generally those arriving in the United States and not those present within the United States. Had those those present within the United States wished to be admitted they would have sought admittance at a port of entry. The plain text and title of §1225 and its provisions, the use of the word ‘arriving’ clearly demonstrate its instructive detention of those ‘arriving’ in the United States. The term ‘seeking admission’ is generally done at the borders when arriving in the United States not years after being present.

In comparison §1226 ‘Apprehension & Detention of Aliens’ as well as Congresses recent amendment to §1226 (c). Specifically In January 2025 the Laken Riley Act added one such category to mandatory detention Laken Riley Act, Pub. L. No 119-1, 139 Stat 3 2025 §1226(c)(1)(E) the LRA amendments mandate detention for non citizens charged as inadmissible under §1182(a)(6)(A) (the inadmissibility ground for noncitizen ‘present’ in the United States without being admitted or paroled). §1182(a)(6) clearly reads “noncitizen ‘present’ in the United States without being admitted or paroled”. The plain language of §1226 and its distinctive differences in the words ‘arriving’ and ‘present’ indicate clearly that §1226 is the correct statute that governs detention of present aliens within the United States. Furthermore §1226 and all its provision do not suggest throughout the statute that an alien must have some legal status to be governed under §1226.

It is evident in the statutory framework, the legislative history and longstanding agency practices that §1226 is the correct statute that governs detention of aliens already present within the United States irregardless of their legality, having resided within the United States for over 2 years, with ties to the community and a fiancée of United States Citizenship all of which have been presented to the courts.

X 

Rahat Mahfuz Chowdhury
Detainee

Name: Rahat Mahfuz Chowdhury

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Dorm: 

Detained

Request To Waiver Administrative Exhaustion

For the purpose of the court I have enclosed within these documents copies of both bond appeals filed with the BIA, one of which I have received filing confirmation another which I await. Having followed the administrative process, the significant delays inherent in the Board Of Immigration Appeals {BIA} appeal system means I would more than likely face prolonged detention. The very unlawful detention that violates my constitutional rights. Each day that I remain unlawfully detained is an additional day that I am deprived of my liberty in violation of the constitution.

Having been denied bond on two occasions from two different Immigration Judges I no longer seek remedy from the Immigration court that mandates an unlawful detention. Having subsequently appealed to the BIA it is inherent in the lengthy and prolonged delay in the BIA process that the relief I seek will be further prolonged if not remedied by the Writ of Habeas Corpus.

I seek waiver of administrative exhaustion from the court based on the above and following reasons:

- I. There is no applicable statute or rule that mandates administrative exhaustion, the discretion rests with the district court whether a claim merits waiver.
- II. Procedural Remedy In BIA process prolongs the very relief that I seek from prolonged detention.
- III. I ask before the court a legal question that no precedent have been set for. Which statute governs my detention? A question that have deprived me of my liberty and violated my constitutional rights. A question that pursued through administrative remedy would be futile, Administrative remedy in this instance is subject to an unreasonable or indefinite timeline due to the inherent delays in the BIA process.

'Bond denial typically take 6 months or more to be resolved by the BIA' Rodriguez v Bostock 799 F supp 3d 1239, 1245 (W.d. Wa. 2025) 'The delay in the administrative process results in the very harm that the bond hearing was designed to prevent' that is prolonged detention without due process. Hechavarria v Whitaker, 358 F.Supp 3d 277, 237 (W.D.N.Y 2019)

For the above reason I kindly request the courts waiver administrative exhaustion in this instance.

X 

Rahat Mahfuz Chowdhury
Detainee

AI-SU



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:

CHOWDHURY, RAHAT MAHFUZ

To:

CHOWDHURY, RAHAT MAHFUZ
DHS CUSTODIAL OFFICER
10450 Rancho Road
Adelanto, CA 92301

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

09/04/2025

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
No jurisdiction. Respondent in expedited removal process. INA section 235(b).

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

☐ Other:



Immigration Judge: Maury, Carlos 09/04/2025

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

Appeal Due: 10/06/2025

Certificate of Service

This document was served:

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

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

Respondent Name : CHOWDHURY, RAHAT MAHFUZ | A-Number :



Riders:

Date: 09/04/2025 By: Anthony Madera, Court Staff



*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

CHOWDHURY, RAHAT MAHFUZ
A [REDACTED]
DHS CUSTODIAL OFFICER
10450 Rancho Road
Adelanto, CA 92301

DHS/ICE Office of Chief Counsel - ADL
10250 RANCHO ROAD
Adelanto, CA 92301

Name: CHOWDHURY, RA...



Type of Proceeding: Removal

Date of this notice: 10/2/2025

Type of Appeal: Bond Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 9/29/2025 in the above-referenced case.

WARNING: If you leave the United States after filing this appeal but before the Board of Immigration Appeals (Board or BIA) issues a decision, your appeal will 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)).

WARNING: If you have been granted voluntary departure by the Immigration Judge, you must submit sufficient 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. § 1240.26(c)(3)(ii).

FILING INSTRUCTIONS:

If the respondent/applicant is represented by counsel, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

In all future correspondence or filings with the Board, please list the name and registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is located within EOIR's Policy Manual, and is available on EOIR's website at www.usdoj.gov/eoir.
Case# 1609-KC-0006 Document 1 Filed 12/19/23 Page 22 of 27

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals — including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director of HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the Board's Practice Manual.

FILING INSTRUCTIONS -- IMPORTANT REMINDER

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)); as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the **FILING ADDRESS** section below is encouraged to ensure timely filing.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

cc:

VonackS

Userteam: PCM

DVA: A-01-050

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
10250 RANCHO RD., SUITE 201A
ADELANTO, CA 92301

CHOWDHURY, RAHAT MAHFUZ
DHS CUSTODIAL OFFICER
10450 Rancho Road
Adelanto, CA 92301

In the matter of
CHOWDHURY, RAHAT MAHFUZ

File A



DATE: Oct 3, 2025

- ___ Unable to forward - No address provided.
- ___ Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to: Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041
- ___ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242b(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252b(c)(3) in deportation proceedings or section 240(b)(5)(C), 8 U.S.C. § 1229a(b)(5)(C) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:
IMMIGRATION COURT
10250 RANCHO RD., SUITE 201A
ADELANTO, CA 92301
- ___ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.
- ___ Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.
- ___ XX Other: BOND MEMO

A. Madera
COURT CLERK
IMMIGRATION COURT

FF

cc:

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ADELANTO, CALIFORNIA**

File Number:	A 	)	
		)	
In the Matter of:		)	
	CHOWDHURY,	)	
	Rahat Mahfuz	)	
		)	
Respondent		)	

ON BEHALF OF RESPONDENT

Pro-Se
10450 Rancho Rd.
Adelanto, California 92301

ON BEHALF OF DHS:

Ms. Vanessa Cross, Esq.
U.S. Department of Homeland Security
6230 Van Nuys Blvd., Suite 1011
Van Nuys, California 91401

BOND MEMORANDUM AND ORDER OF THE IMMIGRATION JUDGE

I. Procedural History

Mr. Rahat Mahfuz Chowdhury (Respondent) is a native and citizen of the United Kingdom. On July 7, 2025, the United States Department of Homeland Security (DHS or Department) filed a Notice to Appear (NTA), seeking the Respondent's removal from the United States. The DHS charged the Respondent with removability pursuant to sections 237(a)(1)(B) of the Immigration and Nationality Act (INA). The DHS then made an oral motion to dismiss that NTA on August 7, 2025. The Court granted the DHS motion and both parties waived appeal.

The DHS then placed the Respondent in expedited removal proceedings¹. While in that process, the Respondent requested a custody redetermination, and on September 4, 2025, the Court conducted the custody redetermination hearing.

Findings of Fact:

The Court finds that the Respondent last entered the United States near native Indian land near the border between the United States and Canada without inspection.

Argument at the Bond Hearing

The Department argued that the Immigration Judge has no authority to redetermine bond for the respondent as he is present in the United States without admission, and in expedited removal

¹ After the conclusion of the expedited removal process, the DHS placed Mr. Chowdhury in removal proceedings through the filing of a subsequent NTA issued on September 26, 2025. The subsequent NTA charges that the Respondent is inadmissible pursuant to INA §§ 212(a)(7)(A)(i)(I) and 212(a)(6)(A)(i).

proceedings and is therefore detained pursuant to INA § 235(b)(1)(B)(IV). An “applicant for admission” is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. INA § 235(a)(1). INA § 235 is the applicable immigration detention authority for all applicants for admission. Applicants for admission “fall into one of two categories, those covered by [INA § 235(b)(1)] and those covered by [INA § 235(b)(2)].” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). INA § 235(b)(1) applies to aliens subject to expedited removal. See INA § 235(b)(1)(B)(ii), (iii)(IV); *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019) (holding that aliens present without admission or parole placed in expedited removal and later transferred to INA § 240 removal proceedings after establishing a credible fear of persecution or torture are subject to detention under INA § 235(b)(1) and are ineligible for release under INA § 236). On the other hand, INA § 235(b)(2) “is broader” and “serves as a catchall provision that applies to all applicants for admission not covered by [INA § 235(b)(1)].” *Jennings*, 583 U.S. at 287; see INA § 235(b)(2)(A), (B). Under INA § 235(b)(2), an alien “who is an applicant for admission” shall be detained for a removal proceeding “if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” INA § 235(b)(2)(A).

The Respondent argued that he is eligible for bond as he was in the United States before being detained by immigration authorities and is therefore subject to INA § 236(a) custody redetermination proceedings.

After considering all the evidence presented and that the Respondent was in expedited removal process, the Court found that ongoing detention was justified because the Court did not have jurisdiction to grant the Respondent a bond. Accordingly, the Court denied the request for bond.

The Respondent appealed this Court’s bond decision to the Board. This Court provides this Memorandum to facilitate the Board’s review of Respondent’s appeal. See Immigration Court Practice Manual, Chapter 9.3(e)(vii) (June 10, 2013).

II. Law and Analysis

A. Jurisdiction

“It is well established . . . that the Immigration Judges only have the authority to consider matters that are delegated to them by the Attorney General and the Immigration and Nationality Act.” *Matter of A-W-*, 25 I&N Dec. 45, 46 (BIA 2009). Moreover, “courts are obliged to notice jurisdictional issues and raise them on their own initiative,” *Hamer v. Neighborhood Hous. Servs. of Chicago*, 583 U.S. 17, 20 (2017), and “should generally decide, as a threshold matter, whether they have subject matter jurisdiction before moving on to other, non-merits threshold issues,” *Bibiano v. Lynch*, 834 F.3d 966, 971 n.4 (9th Cir. 2016). Litigating parties cannot waive subject-matter jurisdiction. See, e.g., Fed. R. Civ. Proc. 12(b)(1). Rather, “courts must enforce jurisdictional rules *sua sponte*, even in the face of a litigant’s forfeiture or waiver.” *Santos-Zacaria v. Garland*, 598 U.S. 411, 416 (2023).

In the present matter, the Court must therefore determine (1) whether Respondent is an “applicant for admission” who is subject to detention under INA section 235, and (2) if so,

whether the Court has subject-matter jurisdiction to redetermine the custody status of an alien subject to the detention provisions of that statute. The Court analysis is guided by canons of statutory interpretation and the Board of Immigration Appeal decisions.

The Court finds that it lacks jurisdiction to consider the respondent's bond request. The Court finds that the Respondent is alien meeting the statutory definition of an "applicant for admission" under INA section 235. The respondent testified to entering the United States through the United States and an unspecified Native American land without being admitted or paroled by a United States Immigration Officer. Such individuals are and remain subject to the mandatory detention provisions contained therein. The Board has ruled that "for aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, section 235(b)(2)(A) mandates detention until removal proceedings have concluded, even if they are granted a parole from immigration custody and later re-arrested by DHS. *Matter of Q. Li*, 29 I&N Dec. 66, 69 (BIA 2025) (quoting *Jennings*, 583 U.S. at 299). The Board stated that "an applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section 235(b) of the INA . . . and is ineligible for any subsequent release on bond under section 236(a) of the INA." *Id.* at 69. The Board also held that "an alien detained under section 235(b) who is released from detention pursuant to a grant of parole under section 212(d)(5)(A), and whose grant of parole is subsequently terminated, is returned to custody under section 235(b) pending the completion of removal proceedings." *Id.* at 70. See also *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The INA at section 235(b)(1)(B)(IV) also provides that aliens in expedited removal proceedings are subject to mandatory detention.

Accordingly, this Court entered the following order:

ORDER

IT IS HEREBY ORDERED that Respondent's request for custody redetermination be **DENIED**.

DATE: October 3, 2025

Digitally signed
by CARLOS
MAURY
Date: 2025.10.03
07:33:37 -07'00'
**CARLOS
MAURY**
Carlos E. Maury
Immigration Judge

RE: CHOWDHURY, RAHAT MAHFUZ

File: A 

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☐ **PERSONAL SERVICE** ☒ **ELECTRONIC SERVICE** ☐

TO: ☐ ALIEN ☒ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ DHS

DATE: 10/03/25 BY: COURT STAFF A. Madera

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

C1