

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IRAHETA MORALES, Rafael Antonio,


Petitioner,

v.

KRISTI NOEM, Secretary of the United States Department of Homeland Security, in her official capacity; **U.S. Department of Homeland Security**; **TODD LYONS**, Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement, in his official capacity; **U.S. Immigration and Customs Enforcement**; **Daren K. Margolin**, Director of the Executive Office for Immigration Review, in his official capacity; **Executive Office for Immigration Review**; **GARRETT RIPA**, Field Office Director for ICE's Enforcement and Removal Operations Field Office in Miami, Florida, in his official capacity; **Warden**, Broward Transitional Center, Broward County, Florida, in their official capacity; **PAMELA BONDI**, U.S. Attorney General,

Respondents.

Case No.

Agency no. 

**PETITION FOR WRIT OF
HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

INTRODUCTION

The federal government is unlawfully detaining Rafael Antonio Iraheta Morales (“Petitioner”) at the Broward Transitional Center in Florida.¹ Although Petitioner has resided continuously in the United States since 2004,² the Department of Homeland Security (“DHS”) maintains that he is an “applicant for admission” under 8 U.S.C. § 1225(a)(1) and therefore subject to mandatory detention pursuant to § 1225(b)(2)(A). Following a bond hearing before an Immigration Judge (“IJ”) in Miami, Florida, on November 21, 2025, the IJ entered a written order and denied Petitioner’s bond motion for lack of jurisdiction, relying on Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025).³

Federal courts have expressly rejected Hurtado⁴ as inconsistent with the statutory framework governing detention under §§ 1225 and 1226. See Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025);⁵ Garcia v. LaRose, No. 25-CV-2936-BTM-MMP, 2025 WL 3248746 (S.D. Cal. Nov. 20, 2025).⁶ Notwithstanding the absence of any valid mandatory detention authority, Petitioner remains in the physical custody of Respondents.

Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Rather, he was arrested and detained under 8 U.S.C. § 1226, as reflected in DHS’s own Notice to Appear

¹ See Exhibit 1, Notice to Appear (“NTA”).

² See Exhibit 2, Motion for Bond and Custody Redetermination.

³ See Exhibit 3, Order of the Immigration Judge Denying Bond.

⁴ See Exhibit 4.

⁵ See Exhibit 5.

⁶ See Exhibit 6.

(“NTA”).⁷ Indeed, § 1225(b)(1)(A)(iii)(II) expressly excludes from its scope any individual who “has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this subparagraph.” The IJ disregarded this plain and unambiguous statutory limitation in denying Petitioner’s bond request.

Contrary to the government’s assertion of mandatory detention, there is no lawful basis for Petitioner’s continued confinement, which has no defined endpoint. Petitioner therefore seeks habeas relief to vindicate his due process rights and to obtain immediate release from his continued arbitrary and unlawful detention.

JURISDICTION AND CUSTODY

1. Petitioner Rafael Antonio Iraheta Morales is in the physical custody of Respondents and of U.S. Immigration and Customs Enforcement (“ICE”), a component agency of the Department of Homeland Security (“DHS”).
2. Petitioner is currently detained at the Broward Transitional Center in Broward County, Florida, and is under the direct control and supervision of Respondents and their agents.
3. This action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.
4. This Court has jurisdiction pursuant to 28 U.S.C. § 2241, Article I, section 9, clause 2 of the United States Constitution, 28 U.S.C. § 1331, and the common law. The Court is authorized

⁷ See Exhibit 1, NTA.

to grant relief under 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.

5. Congress has expressly preserved judicial review over challenges to immigration detention. See Jennings v. Rodriguez, 583 U.S. 281, 292–95 (2018) (holding that 8 U.S.C. §§ 1226(e) and 1252(b)(9) do not preclude judicial review of claims challenging the legality and duration of immigration detention).

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

7. The Court further possesses “inherent” authority to order Petitioner’s release pending resolution of this petition. Martin v. Solem, 801 F.2d 324, 329 (8th Cir. 1986).

VENUE

8. Venue is proper in this Court because Petitioner is currently in custody within this federal judicial district. See Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973).

9. Venue is also proper pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, or agencies of the United States acting in their official capacities.

PARTIES

10. Petitioner Rafael Antonio Iraheta Morales is a fifty-two-year-old citizen of El Salvador currently detained by Respondents at the Broward Transitional Center in Broward County, Florida.

11. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (“DHS”). In her official capacity, Respondent Noem exercises legal custody over Petitioner and is sued in that capacity only.

12. Respondent DHS is a federal executive agency charged, inter alia, with the administration and enforcement of the nation’s immigration laws and the oversight of lawful immigration to the United States. DHS is a legal custodian of Petitioner.

13. Respondent Todd M. Lyons is the Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement (“ICE”). In that capacity, Respondent Lyons is responsible for ICE’s policies, practices, and procedures, including those governing the detention of noncitizens during removal proceedings. Respondent Lyons is a legal custodian of Petitioner and is sued in his official capacity.

14. Respondent ICE is a federal law enforcement agency within DHS responsible for enforcing federal immigration laws, including the detention and removal of noncitizens. ICE is a legal custodian of Petitioner.

15. Respondent Daren K. Margolin is the Director of the Executive Office for Immigration Review (“EOIR”) and, in that capacity, is responsible for the administration and oversight of the immigration courts and the conduct of removal proceedings nationwide.


16. Respondent EOIR is a federal agency within the U.S. Department of Justice responsible for the administration of the immigration courts, including the adjudication of immigration proceedings and motions relating to custody and bond.

17. Respondent Garrett Ripa is the Field Office Director of ICE's Enforcement and Removal Operations ("ERO") Miami Field Office. Respondent Ripa exercises direct supervisory authority over Petitioner's detention and is a legal custodian of Petitioner. Respondent Ripa is sued in his official capacity.

18. Respondent Warden is the facility administrator of the Broward Transitional Center, an immigration detention facility operated on behalf of ICE. In that capacity, Respondent Warden exercises day-to-day control over Petitioner's custody and is sued in an official capacity.

19. Respondent Pamela Bondi is the Attorney General of the United States and the head of the Department of Justice. In that capacity, she is responsible for the administration and enforcement of the federal immigration laws and for the oversight of the Executive Office for Immigration Review. Respondent Bondi is sued in her official capacity.

STATEMENT OF FACTS

20. Petitioner Rafael Antonio Iraheta Morales was born on , in El Salvador. He is a national and citizen of El Salvador and holds a Salvadoran passport, which is currently in the possession of DHS.

21. On or about November 15, 2004, Petitioner entered the United States without inspection (“EWI”).⁸

22. Petitioner is married to Glorinda Galeana, a United States citizen.⁹

23. Petitioner has three children, two of them are United States citizens.¹⁰

24. Petitioner is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed on his behalf by his oldest United States citizen child.¹¹

25. Petitioner also has a pending Application for Provisional Unlawful Presence Waiver (Form I-601A).¹²

26. At all relevant times, Petitioner’s wife served as his proposed bond sponsor and submitted an affidavit to the Immigration Judge (“IJ”) attesting to her financial ability to support Petitioner and guaranteeing his appearance at all future immigration court hearings in the event of release on bond.¹³

27. Petitioner and his wife are the owners of Rafy’s Home Performance, LLC, a maintenance company operating in South Florida.¹⁴ Petitioner is employed by the company and earns approximately \$40,000 annually.¹⁵

⁸ See Exhibit 2 at 002.

⁹ Id. at 008-010.

¹⁰ Id. at 012-13.

¹¹ Id. at 015.

¹² Id. 017.

¹³ Id. at 019.

¹⁴ Id. at 024-25.

¹⁵ Id. at 027.

28. Other than minor traffic infractions, Petitioner has no criminal convictions in El Salvador, the United States, or elsewhere.¹⁶

29. On September 5, 2025, Petitioner was taken into custody outside his residence in Margate, Florida during an immigration enforcement operation. DHS issued a Notice to Appear (“NTA”) charging Petitioner with inadmissibility under INA § 212(a)(6)(A)(i) and INA § 212(a)(7)(A)(i)(I).

30. Respondents thereafter detained Petitioner at the Broward Transitional Center in Broward County, Florida, and placed him in removal proceedings pursuant to 8 U.S.C. § 1229a.

31. On November 21, 2025, a custody redetermination hearing was held in Miami, Florida. Petitioner submitted extensive documentary evidence in support of his bond, including his marriage certificate to a United States citizen, his wife’s affidavit of support, the birth certificates of his two United States citizen children, his approved Form I-130, his pending Form I-601A, documentation of his business and income and evidence establishing the absence of any criminal convictions other than minor traffic infractions.

32. That same day after the hearing, on November 21, 2025, the IJ issued a written order denying Petitioner’s motion for bond, concluding that it lacked jurisdiction pursuant to Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025).

33. Petitioner therefore brings this petition for a writ of habeas corpus to vindicate his due process rights and to seek immediate relief from his continued arbitrary and unlawful detention.

¹⁶ Id. at 047.

LEGAL FRAMEWORK

34. “It is well established that the Fifth Amendment” guarantees noncitizens the right “to due process of law in deportation proceedings.” Demore v. Kim, 538 U.S. 510, 523 (2003) (quoting Reno v. Flores, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause in immigration cases. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for a noncitizen’s physical confinement outweighs the individual’s constitutionally protected interest in avoiding physical restraint. Id.

35. In the immigration context, the Supreme Court has recognized only two permissible purposes for civil detention: mitigating the risk of danger to the community and preventing flight. See Zadvydas, 533 U.S. at 690; Demore, 538 U.S. at 528. The government may not detain a noncitizen on any other basis.

36. Congress has vested the Attorney General with discretion to detain or release certain noncitizens pending a final removal determination. See 8 U.S.C. § 1226(a). That discretionary authority has been delegated to Immigration Judges. See 8 C.F.R. §§ 1003.19, 1236.1.

37. DHS has formally adopted a new position asserting mandatory detention for noncitizens who have been residing in the United States, notwithstanding that federal courts have rejected this interpretation. For example, on July 28, 2025, the United States District Court for the Central District of California, Eastern Division, issued a Temporary Restraining Order enjoining DHS from categorically denying initial bond hearings under 8 U.S.C. § 236(a) to respondents in removal

proceedings under § 240 based on DHS's July 8, 2025 Guidance. See Lazaro Maldonado Bautista et al. v. Santacruz, Jr., et al.¹⁷

38. On August 29, 2025, the United States District Court for the District of Minnesota entered an order granting injunctive relief against four of the same Respondents named in this action, enjoining them from denying a bond hearing to a petitioner who had been present in the United States for ten years. The court concluded that the petitioner “more clearly falls under a plain text reading of section 1226(a).” As the court observed, “[t]aken together these two statutes principally govern the detention of noncitizens pending removal proceedings—section 1225 governs detention of noncitizens ‘seeking admission into the country,’ whereas section 1226 governs detention of noncitizens ‘already in the country.’” Francisco T. v. Bondi, et al., Case No. 0:25-cv-03219-JMB-DTS, [CM/ECF Doc. 17] at 7–8 (D. Minn. Aug. 29, 2025).¹⁸ After the Court’s entry of the temporary restraining order, Respondents released the petitioner from custody. As a result, the parties filed a joint stipulation of dismissal, which the Court granted, and closed the case.

39. On August 14, 2025, the United States District Court for the District of Nebraska issued a Memorandum and Order granting a petitioner’s writ of habeas corpus and ordering her immediate release, concluding that “the government is unlawfully detaining Petitioner in violation of her Due Process rights by invoking a unilateral automatic stay of the bond a duly appointed Immigration

¹⁷ See Exhibit 7, Temporary Restraining Order entered 7/28/2025 in Lazaro Maldonado Bautista et al. v. Santacruz, Jr., on behalf of themselves and others similarly situated, et al., Plaintiffs-Petitioners, v. Kristi Noem, Secretary, Department of Homeland Security, et al., Defendants-Respondents, U.S. District Court for the Central District of California, Eastern Division, Case No. 5:25-cv-01873-SSS-BFM.

¹⁸ See Exhibit 8, Restraining Order entered 8/29/2025 in Francisco T. v. Bondi, et al., Case No. 0:25-cv-03219-JMB-DTS, [CM/ECF Doc. 17], U.S. District Court for the District of Minnesota.

Judge determined was appropriate.” See Floribertha Mayo Anicasio v. Jerome Kramer, Lincoln County Sheriff, et al., Case No. 4:25-cv-03158-JFB-RCC, [CM/ECF Doc. 34 at 1, 3] (D. Neb. Aug. 14, 2025).¹⁹

40. Immigration Judges sitting in the Tacoma, Washington immigration court previously ceased providing bond hearings to noncitizens who entered the United States without inspection but thereafter resided in the country, reasoning that such individuals were subject to mandatory detention under § 1225(b)(2)(A). In granting preliminary injunctive relief, the United States District Court for the Western District of Washington concluded that this interpretation of the INA was likely unlawful and that § 1226(a), rather than § 1225(b), governs the detention of noncitizens who are not apprehended at the time of entry. See Rodriguez Vazquez v. Bostock, No. 3:25-cv-05240-TMC, 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025).²⁰ Courts in other jurisdictions have reached the same conclusion. See Gomes v. Hyde, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025);²¹ Diaz Martinez v. Hyde, No. CV 25-11613-BEM, 2025 WL 2084238, at *9 (D. Mass. July 24, 2025).²²

41. DHS’s interpretation is contrary to the plain text of the INA. As explained by the court in Rodriguez Vazquez and by multiple other courts, the statutory framework makes clear that § 1226(a), not § 1225(b), governs the detention of noncitizens situated like Petitioner. Section 1226(a) applies by default to all noncitizens detained “pending a decision on whether the

¹⁹ See Exhibit 9, Memorandum and Order entered 8/14/2025 in Floribertha Mayo Anicasio, Petitioner v. Jerome Kramer, Lincoln County Sheriff, in his official capacity, et al., Case No. 4:-cv-031580JFB-RCC [CM/ECF Doc. 34 at 1, 3].

²⁰ See Exhibit 10.

²¹ See Exhibit 11.

²² See Exhibit 12.

[noncitizen] is to be removed from the United States.” Such removal proceedings are conducted pursuant to § 1229a for the purpose of “decid[ing] the inadmissibility or deportability of a[] [noncitizen].”

42. The text of § 1226 expressly encompasses noncitizens charged as inadmissible, including those who entered the United States without inspection. See 8 U.S.C. § 1226(c)(1)(E). In 2025, this year, Congress enacted subparagraph (E) through the Laken Riley Act to carve out a narrow class of noncitizens who entered without inspection from § 1226(a)’s default bond framework. Subparagraph (E)’s specific reference to individuals inadmissible under § 1182(a)(6)(A)—those inadmissible for entry without inspection—confirms that, absent this limited exception, such individuals fall within § 1226(a) and are entitled to a bond hearing.

43. As the court explained in Rodriguez Vazquez, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” Rodriguez Vazquez, 2025 WL 1193850, at *12 (quoting Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)). Section 1226 therefore leaves no doubt that it applies to noncitizens charged as inadmissible, including those present in the United States without admission or parole.

44. By contrast, § 1225(b) applies to noncitizens who are “arriving” at ports of entry or who have very recently entered the United States. The statute’s framework is premised on the inspection of individuals who are “seeking admission” at the border. See 8 U.S.C. § 1225(b)(2)(A). As other courts have recognized, “our immigration laws have long made a distinction between those [noncitizens] who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality.” Diaz Martinez

v. Hyde, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) (quoting Leng May Ma v. Barber, 357 U.S. 185, 187 (1958)).²³

45. Consistent with that distinction, the Supreme Court has explained that the mandatory detention provisions of § 1225 apply “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” Jennings v. Rodriguez, 583 U.S. 281, 287 (2018).

46. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to individuals like Petitioner, who had already entered and were residing in the United States at the time of apprehension. Because Petitioner has no criminal record, his arrest and detention fall within the ambit of § 1226(a), which governs discretionary detention and release on bond.

47. Following Congress’s enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), the Executive Office for Immigration Review (“EOIR”) and the former Immigration and Naturalization Service issued an interim rule in 1997 interpreting and implementing the amended INA. Under the heading “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. 10, 323 (Mar. 6, 1997) (emphasis added).

²³ See Exhibit 12.

48. The agencies thus made clear that noncitizens who entered without inspection are eligible for bond consideration and bond redetermination before Immigration Judges pursuant to 8 U.S.C. § 1226 and its implementing regulations.

49. Nevertheless, in Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025), the Board held that a noncitizen who entered without inspection and was never admitted remains an “applicant for admission” under 8 U.S.C. § 1225(a)(1), regardless of length of physical presence in the United States, and is therefore subject to mandatory detention under § 1225(b)(2)(A) with no authority in Immigration Judges to conduct bond hearings. Improperly relying on Jennings v. Rodriguez, the Board rejected the argument that interior residence or placement in removal proceedings shifts detention authority to § 1226(a), concluding that physical presence does not constitute admission and that § 1225 mandates detention for the duration of removal proceedings.

50. In Bautista v. Santacruz,²⁴ the district court rejected DHS’s policy reclassifying noncitizens arrested in the interior and charged as inadmissible under § 1182(a)(6)(A)(i) as “applicants for admission” subject to mandatory detention under § 1225(b)(2)(A). The court held that the INA unambiguously provides that § 1226(a)—not § 1225(b)—governs detention of noncitizens already present in the United States when apprehended, entitling them to individualized bond hearings. It further held that neither 8 U.S.C. § 1252 nor mootness doctrines deprived the district court of habeas jurisdiction, and that DHS’s interpretation would unlawfully collapse § 1226(a) and render it superfluous. Accordingly, the court enjoined DHS’s policy and declared that long-present

²⁴ See Exhibit 5.

noncitizens arrested in the interior may not be subjected to categorical mandatory detention under § 1225(b)(2)(A).

51. More recently, Matter of Yajure Hurtado was expressly rejected in Garcia v. LaRose, No. 25-cv-2936-BTM-MMP, 2025 WL 3248746 (S.D. Cal. Nov. 20, 2025).²⁵ There, the court granted a writ of habeas corpus to a noncitizen who had entered without inspection, resided in the United States, and was apprehended in the interior, holding that DHS unlawfully classified him as an “applicant for admission” to deny a bond hearing. The court concluded that § 1225 governs arriving noncitizens actively seeking admission, not long-present individuals arrested away from the border, and that § 1226(a) therefore applied. Rejecting Hurtado as inconsistent with the text and structure of the INA, the court ordered DHS either to reinstate the Immigration Judge’s bond decision or to provide an individualized bond hearing under § 1226(a), and prohibited reliance on § 1225(b)(2) as a basis for mandatory detention.

52. This District has confronted the same issue in Gil-Paulino v. Secretary of the Department of Homeland Security, No. 25-24292-CV-WILLIAMS (S.D. Fla. Oct. 10, 2025). There, a long-term U.S. resident arrested in the interior and charged as “present in the United States without having been admitted or paroled” was initially granted bond under 8 U.S.C. § 1226(a), only for the BIA to vacate the bond order, reclassify his detention as arising under § 1225, and re-detain him. The court held that § 1226(e) and § 1252(g) did not bar jurisdiction because the petitioner challenged the statutory basis of his detention, not a discretionary bond determination or removal decision; concluded that § 1226, not § 1225(b)(2), governed his custody; found the BIA’s contrary

²⁵ See Exhibit 6.

interpretation inconsistent with the INA and longstanding precedent; and granted a temporary restraining order²⁶ directing his immediate release upon reposting the previously set bond.²⁷

53. On November 20, 2025, following its prior entry of a temporary restraining order,²⁸ the district court in Maldonado Bautista granted partial summary judgment in favor of the named petitioners, and on November 25, 2025, it certified a nationwide class and extended declaratory relief to the certified class. See Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025);²⁹ Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).³⁰ The court's declaratory judgment held that members of the Bond Denial Class are detained pursuant to 8 U.S.C. § 1226(a) and therefore may not be denied consideration for release on bond under § 1225(b)(2)(A).

54. Here, DHS charged Petitioner under 8 U.S.C. § 1226(a), as reflected in the NTA.

55. DHS initially detained Petitioner without bond. Petitioner thereafter requested a custody redetermination hearing before an IJ.

²⁶ See Exhibit 13.

²⁷ Following the Court's entry of a temporary restraining order directing Petitioner's release, Respondents complied and released Petitioner Gil-Paulino from ICE custody. Respondents thereafter filed a notice confirming Petitioner's release. Because release from detention constituted the full relief sought in the habeas petition, the Court dismissed the amended petition as moot and closed the case.

²⁸ See Exhibit 7.

²⁹ See Exhibit 5.

³⁰ See Exhibit 14.

56. At the bond redetermination hearing, on November 21, 2025, the IJ received evidence and heard argument from both Petitioner and DHS.

57. Petitioner presented evidence of strong community ties, including an affidavit of support from his wife.

58. DHS did not contend that Petitioner posed a danger to the community or presented a risk of flight. Instead, DHS asserted that Petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), which governs the inspection and detention of noncitizens seeking admission.

59. Departing from longstanding practice, the IJ denied Petitioner's bond motion and adopted DHS's position, concluding that Petitioner was subject to mandatory detention and that the court therefore lacked jurisdiction under Matter of Yajure Hurtado. Petitioner remains detained pursuant to the IJ's legally erroneous order.

60. Petitioner continues to be confined under conditions indistinguishable from criminal incarceration, including separation from his family and detention in a facility housing criminal defendants.

CLAIMS FOR RELIEF

(I) FIRST CLAIM FOR RELIEF

Violation of Fifth Amendment – Substantive Due Process

61. Petitioner realleges and incorporates by reference all preceding paragraphs of this Petition as though fully set forth herein.

62. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any “person,” including noncitizens, of liberty without due process of law. U.S. Const. amend. V.

63. Substantive due process requires that any deprivation of liberty be supported by a legitimate and sufficient governmental purpose. Petitioner has indisputably been deprived of his liberty through his continued detention which has no defined endpoint.

64. The government’s ongoing detention of Petitioner is not justified by any special interest or compelling governmental objective that outweighs his significant liberty interest.

65. Petitioner’s continued confinement—despite the absence of any finding that he poses a danger to the community or a risk of flight—constitutes prolonged and constitutionally impermissible detention.

(II) SECOND CLAIM FOR RELIEF

Violation of Fifth Amendment – Procedural Due Process

66. Petitioner realleges and incorporates by reference all preceding paragraphs of this Petition as though fully set forth herein.

67. The Due Process Clause of the Fifth Amendment guarantees Petitioner the right to meaningful procedural due process in seeking a bond redetermination, and the government may not arbitrarily or unreasonably restrict that right.

68. The government’s knowing misclassification of Petitioner as an “applicant for admission” under 8 U.S.C. § 1225 to justify mandatory detention deprived Petitioner of a meaningful

opportunity to be heard and is unsupported by any special interest or compelling governmental justification sufficient to override his substantial liberty interest.

69. Accordingly, Petitioner's continued detention violates procedural due process because it is not supported by any legitimate governmental justification that outweighs his constitutionally protected interest in freedom from physical restraint.

(III) THIRD CLAIM FOR RELIEF

Violation of INA – Request for Relief Pursuant to Maldonado Bautista

70. Petitioner realleges and incorporates by reference all preceding paragraphs of this Petition as though fully set forth herein.

71. Petitioner is a member of the Bond Eligible Class certified in Maldonado Bautista v. Santacruz because: (1) he lacks lawful immigration status and is currently detained at the Broward Transitional Center in Florida; (2) he was apprehended by immigration authorities on September 5, 2025, within the physical territory of the United States; (3) he entered the United States without inspection in 2004 and was not apprehended upon his arrival on November 15, 2004; (4) he is not detained pursuant to 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231; and (5) DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a and charged him as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as a noncitizen present in the United States without admission or parole.

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

73. In Maldonado Bautista, the district court granted partial summary judgment holding that Respondents violated the INA by applying the mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A) to class members who are properly detained under § 1226(a).

74. The court subsequently certified a nationwide Bond Eligible Class and expressly extended the same declaratory relief granted to the named petitioners to the class as a whole.

75. Respondents are parties to Maldonado Bautista and are bound by the court's declaratory judgment, which carries the full force and effect of a final judgment as to this issue. See 28 U.S.C. § 2201(a).

76. By denying Petitioner consideration for release on bond under § 1226(a) and continuing to assert that he is subject to mandatory detention under § 1225(b)(2)(A), Respondents are violating both Petitioner's statutory rights under the INA and the binding judgment in Maldonado Bautista.

77. Despite the definitive resolution of these legal issues, Respondents continue to unlawfully detain Petitioner in direct defiance of the controlling declaratory judgment.

78. Because the controlling statutory and legal issues governing Petitioner's detention have already been resolved, the Court should grant habeas relief forthwith. Habeas corpus is "perhaps the most important writ known to the constitutional law," providing "a swift and imperative remedy in all cases of illegal restraint or confinement." Fay v. Noia, 372 U.S. 391, 400 (1963). Applications for the writ require prompt judicial action. See Yong v. I.N.S., 208 F.3d 1116, 1120 (9th Cir. 2000).

79. Accordingly, because Respondents are detaining Petitioner in violation of the declaratory judgment in Maldonado Bautista, the Court should order Respondents to release Petitioner within one day.

80. In the alternative, at the very least, the Court should order Respondents to provide him with an individualized bond hearing under 8 U.S.C. § 1226(a) within seven days.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Rafael Antonio Iraheta Morales respectfully requests that this Court:

- 1- Exercise jurisdiction over this action;
- 2- Immediately issue an order enjoining Respondents from transferring Petitioner outside this judicial district during the pendency of these proceedings so as to preserve the Court's jurisdiction;
- 3- Declare that Petitioner's continued detention violates the Fifth Amendment to the United States Constitution;
- 4- Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and order Respondents to immediately release Petitioner from custody within one day, or, alternatively, order Respondents to show cause within three days as to why the writ should not be issued;
- 5- Award Petitioner reasonable attorneys' fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;
and
- 6- Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 15th Day of December, 2025.

By: /s/ Luis A. Guerra

Luis A. Guerra³¹

Guerra Saenz PL

3111 N. University Dr., Suite 429

Coral Springs, FL 33065

Tel: (954) 434-5800

Fax: (954) 518-4268

luis@guerralegal.com

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

I represent Petitioner Rafael Antonio Iraheta Morales and submit this verification on his behalf. I certify that the factual statements set forth in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated this 15th of December, 2025.

Guerra Saenz PL

By: /s/ Luis A. Guerra

³¹ The undersigned acknowledges and appreciates the assistance of Muhammad Usman, Esq., in the preparation of this petition.