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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 RIVAS-PIMENTEL, Jose Adalberto
11 Alien 

12 Petitioner,
13 v.

14 PAMELA BONDI, in her official capacity as
15 Attorney General,

16 KRISTI NOEM, in her official capacity as Secretary
17 of the Department of Homeland Security,

18 U.S. DEPARTMENT OF HOMELAND
19 SECURITY,

20 JOHN CANTU, in his official capacity as Acting
21 Field Office Director of the Phoenix Field Office for
22 U.S. Immigration and Customs Enforcement,

23 Warden of Florence Correctional Center,

24 TODD LYONS, in his official capacity as Acting
25 ICE Field Office Director,
26 Respondents.

Case No.

PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

27
28

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INTRODUCTION

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2 1. Jose Adalberto Rivas-Pimentel (hereinafter “Petitioner”) entered the U.S. in 2008
3 at the age of nineteen (19). On Tuesday, October 21, 2025, at approximately 7:00 AM, the
4 Petitioner was stopped on his way to work and questioned by Immigration and Customs
5 Enforcement (hereinafter, “ICE”) officers and other federal agents who were searching for a
6 different individual. Petitioner was ultimately arrested and taken into ICE custody due to a
7 lack of legal status in the U.S. He was transferred from New York to New Jersey for around
8 two weeks, and then transferred to Florence, Arizona, where he remains detained today.
9

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11 2. The Petitioner brings this petition for a writ of habeas corpus under 28 U.S.C.
12 §2241, challenging the legality of his ongoing detention by ICE without the opportunity to
13 request bond. Additionally, the Petitioner seeks to enforce his rights as a member of the Bond
14 Denial Class certified in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr.*, No. 25-
15 cv-01873, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)¹.
16

17 3. The Petitioner is unlawfully detained because the Department of Homeland
18 Security (hereinafter “DHS”) and the Executive Office for Immigration Review (hereinafter
19 “EOIR”) have misclassified him under 8 U.S.C. § 1225 and have refused to comply with the
20 declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v.*
21 *Santacruz*.
22

23 4. Petitioner is entitled to a § 1226(a) bond hearing. In July 2025, ICE instructed its
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26 ¹ On November 20, 2025, Judge Sykes granted partial summary judgment to the named plaintiffs, ruling that
27 the Government’s no-bond policy is “at odds with the plain language of the INA” and that “§ 1226(a) is the appropriate
28 governing authority over the Petitioners’ detention” *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,
2025 WL 3289861, at *8-*9 (C.D. Cal. Nov. 20, 2025). Five days later, the court certified a nationwide “Bond Eligible
Class” under Fed. R. Civ. Pro 23(b)(2) and explicitly “extend[ed] the same declaratory relief granted to Petitioners to the
Bond Eligible Class as a whole.” *Maldonado Bautista v. Santacruz*, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025)

1 attorneys to coordinate with the DOJ to deny jurisdiction for bond hearings for aliens who
2 entered the U.S. without inspection, incorrectly classifying them under § 1225. That policy
3 has been applied to the Petitioner. The BIA held in *Matter of Yajure Hurtado* that IJs lack
4 jurisdiction for bond hearings for noncitizens present without admission, deeming them
5 subject to 1225(b)(2). 29 I. & N. Dec. 216 (BIA 2025). An overwhelming majority of courts
6 that have considered this precise issue have rejected this interpretation, including in this
7 district and many others in this circuit.² Therefore, Petitioner preserves a facial and as-applied
8 challenge to that interpretation in this habeas action.
9

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11 5. Additionally, on November 25, 2025, the Central District of California certified
12 a nationwide class and issued a declaratory judgment for the certified class. The judgment
13 declared that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and
14 therefore cannot be denied consideration for release on bond under § 1225(b)(2)(A).
15 *Maldonado Bautista*, 2025 WL 3289861, at *11. Nevertheless, EOIR, DHS, and the
16 Immigration Court have refused to respect the declaratory relief. The Petitioner is a member
17 of the Bond Eligible class because he (1) entered the U.S. without inspection, (2) was not
18 apprehended upon arrival, and (3) is not subject to detention under 8 U.S.C. § 1226(c), §
19 1225(b)(1), or § 1231.
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21
22 6. The Petitioner seeks declaratory and injunctive relief. The judgment in
23 *Maldonado Bautista* binds the Respondents, as it has the full “force and effect of a final
24 judgment.” 28 U.S.C. § 2201(a). Granting this declaratory relief constitutes a judgment that
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27 ² See *Plascencia v. Bondi*, No. CV-25-04140, 2025 WL 3250914 (D. Ariz. Nov. 21, 2025), *Benitez-Cornejo v. Cantu*,
28 No. CV-25-03672, 2025 WL 2992211 (D. Ariz. Oct. 17, 2025), *Rodriguez v. Bostock*, 2025 WL 1193850 (W.D. Wa.
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2670875 (C.D. Cal. July 28, 2025). See also Exhibit B, listing granted similar habeas petitions in various districts.

1 must be followed unless and until stayed or reversed on appeal. Therefore, Petitioner requests
2 a Temporary Restraining Order (TRO)/Preliminary Injunction (PI), a habeas order for
3 immediate release, or a prompt, *Singh*-compliant bond hearing within 7 days. At the hearing,
4 the Government must demonstrate danger or flight risk by clear and convincing evidence; the
5 Immigration Judge (IJ) must consider alternatives to detention and the ability to pay, and must
6 issue detailed, on-the-record findings. Petitioner also requests a short-term no-transfer
7 protection or 48 hours' notice to ensure the hearing is meaningful.
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10 **JURISDICTION, VENUE, EXHAUSTION**

11 7. This Court has jurisdiction over this petition under 28 U.S.C. § 2241 (federal
12 habeas statute); 28 U.S.C. § 1331 (federal question) because Petitioner challenges the legality
13 of his civil immigration detention and asserts violations of the Constitution and laws of the
14 U.S.; 28 U.S.C. § 2201-2 (declaratory judgment); and the United States Constitution, Article
15 I, Section 9 (Suspension Clause).
16

17 8. Venue and personal jurisdiction are properly situated in the District of Arizona
18 under 28 U.S.C. §28 because this is a civil action in which Respondents are agencies of the
19 U.S. The Petitioner is also detained in Florence, Arizona, and the immediate physical
20 custodian is also within this district.
21

22 9. Exhaustion of administrative remedies in the immigration habeas context is a
23 prudential rule, not a statutory requirement. *See Aden v. Nielsen*, 409 F.Supp.3d 998 (2019).
24 Exhaustion can be excused if administrative remedies are inadequate, futile, or pursuing them
25 would cause irreparable harm to the petitioner without immediate judicial relief. *Cazares v.*
26 *Hendrix*, 575 F.Supp.3d 1289, 1294 (2021); *see also Laing v. Ashcroft*, 370 F.3d 994, 998 (9th
27 Cir. 2004). Exhaustion here is futile because the agency has issued a binding, precedent
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1 decision in *Matter of Yajure Hurtado* that prohibits immigration judges from granting bond to
2 the Petitioner. Second, despite a declaratory judgment finding a bond-denial class,
3 immigration courts have been instructed to disregard the judgment. Third, this petition raises
4 significant constitutional issues, and continued prolonged detention would exacerbate the
5 Petitioner's constitutional injuries.
6

7
8 **PARTIES**

10. The Petitioner, Jose Adalberto Rivas-Pimentel, is currently in ICE custody.

9
11 11. Respondent, Kristi Noem, is the Secretary of DHS, and she is sued in her official
12 capacity. The Secretary of DHS is responsible for administering and enforcing immigration
13 laws. 8 U.S.C. § 1103(a).

14 12. Respondent, Pamela Bondi, is the Attorney General of the United States and is
15 sued in her official capacity. The Attorney General is responsible for the fair administration
16 of the laws of the U.S.

17 13. Respondent, the Executive Office for Immigration Review (EOIR), is a division
18 of the DOJ that conducts removal/bond hearings and appeals through the Immigration Court
19 and the Board of Immigration Appeals (BIA).

20 14. Respondent, Todd Lyons, is the Acting Director of ICE and is sued in his official
21 capacity. ICE is responsible for the Petitioner's detention.
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23 15. Respondent John Cantu is the Immigration and Customs Enforcement Field
24 Office Director at the ICE Phoenix field office and is sued in his official capacity.
25

26 16. Respondent Warden is the Warden of the Florence, Arizona, detention center,
27 where the Petitioner is currently detained. The Warden is sued in their official capacity.
28

LEGAL BACKGROUND

1 17. The Immigration and Nationality Act (“INA”) establishes three types of
2 detention for noncitizens. First, under 8 U.S.C. § 1226, the government can detain noncitizens
3 during regular non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a).
4 Individuals detained under §1226(a) are eligible for bond hearings, as outlined in 8 C.F.R. §§
5 1003.19(a) and 1236.1(d), while those arrested, charged with, or convicted of certain offenses
6 are subject to mandatory detention under 8 U.S.C. §1226(c). Second, under 8 U.S.C. §
7 1225(b)(1), noncitizens subject to expedited removal are detained. Section §1225(b)(2)
8 extends mandatory detention to other applicants for admission who are not covered by
9 expedited removal. Lastly, 8 U.S.C. § 1231(a)–(b) (post-final-order detention) authorizes the
10 detention of noncitizens with final orders.

11 18. This case concerns which statutory classification—§1226(a) or §1225(b)(2)—
12 governs Petitioner’s custody. The detention provisions in §1226(a) and §1225(b)(2) were
13 enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)
14 of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–
15 583, 3009–585. After Congress enacted IIRIRA, EOIR drafted regulations stating that
16 individuals who entered the U.S. without inspection are to be detained under §1226(a). Since
17 then, most EWIs—unless detained by another authority—have been granted bond hearings.
18 This reflects a long-standing policy that treats noncitizens not deemed “arriving” as entitled
19 to a custody hearing before an IJ or another officer.

20 19. Respondents’ new policy—treating all noncitizens as §1225(b)(2)(A) applicants
21 for admission even when arrested far from the border—undermines this well-established
22 understanding and violates the statutory scheme. The Supreme Court has held that §1226
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1 governs the detention of noncitizens who entered without inspection and were later
2 apprehended inside the U.S. *Maldonado Bautista v. Santacruz*, which granted a declaratory
3 judgment confirming that bond denial class members are detained under 8 U.S.C. §1226(a),
4 further supports this well-established understanding. No. 5:25-CV-01873-SSS-BFM (C.D.
5 Cal). These rulings rely on case-specific facts, statutory text and structure, and legislative
6 history. Despite federal court rulings and legislative history, ICE continues to coordinate with
7 EOIR to deny bond hearings for all noncitizens under *Matter of Yajure Hurtado*, which
8 enforces the position that noncitizens who entered the U.S. without admission or parole are
9 ineligible for bond hearings. 29 I. & N. Dec. 216 (BIA) (2025).

12 20. EOIR's interpretation, directed by DHS, contradicts the statute. The plain text
13 shows that §1226(a), not §1225(b), governs individuals like Petitioner. §1226(a) applies to
14 those who entered without inspection, "pending a decision on whether the [noncitizen] is to
15 be removed from the United States," with removal hearings conducted under §1229(a) to
16 determine removability. *See* 8 U.S.C. § 1226(c)(1)(E). By default, such individuals are entitled
17 to bond hearings under §1226 (a).

18 FACTS³

20 21. The Petitioner has lived in New York since 2008. He entered the U.S. at age 19
21 and was neither apprehended nor inspected upon entry. Prior to his detention, he resided with
22 his partner, their two minor children, and his parents in Long Island, New York. Petitioner
23 was the household's main breadwinner and the primary caretaker of his parents. He has a long
24 history of working in construction and maintains strong family and community ties in New
25 York. He has no criminal record and always pays his taxes.

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³ See Exhibit A, Petitioner's Declaration in Support for statements and information supported herein.

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22. On October 21, 2025, at 7:00 AM, the Petitioner was on his way to work when ICE agents working alongside FBI officers pulled him over in Brentwood, New York. Shortly after being pulled over, two other vehicles approached and surrounded his car, and multiple officers surrounded his vehicle. They requested his name and identification, and after reviewing the information, the officers stated there was an issue with his vehicle registration and instructed him to exit the vehicle. The Petitioner requested a warrant or an explanation for why he was required to exit the car, as he was not informed at any time that he was under arrest. They continued to demand that he get out of the car, and they eventually broke his rearview window and pulled him out when he refused to get out without a warrant or explanation. The officers admitted they were searching for someone else, but arrested Petitioner for being without status in the U.S. The Petitioner was detained and transferred to the Florence Detention Center in Arizona, more than 2,400 miles from his home.

23. As of December 11, 2025, Petitioner has been detained for over 50 days without a bond process. The ongoing detention has caused increasing hardship for him and his family. As the main provider, Petitioner’s absence has intensified financial and emotional strain.

ARGUMENT

I. DHS’S §1225(B)(2) MISCLASSIFICATION IS ERRONEOUS; §1226(A) GOVERNS PETITIONER’S CUSTODY

24. The Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as is fully set forth herein.

25. Petitioner is currently detained without a meaningful bond process because the government misclassified him as an “applicant for admission” under 8 U.S.C. §1225(b)(2), which removes IJs' authority to grant bonds. This misclassification wrongly considers interior arrests of individuals who entered without inspection (EWIs) as “arrivals,” despite the INA

1 and longstanding regulations differentiating “arriving” noncitizens from those apprehended
2 inside the country and placed in §1229(a) proceedings—who are detained, if at all, under
3 §1226(a) and are entitled to IJ bond review. *See* 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997);
4 *Matter of M-D-C-V-*, 28 I. & N. Dec. 18, 22–23 (BIA 2020)

6 26. The BIA’s decision in *Matter of Yajure Hurtado* attempts to validate DHS’s
7 erroneous interpretation that any noncitizen present without admission is a §1225(b)(2)
8 detainee and therefore not eligible for bond. 29 I. & N. Dec. 216 (BIA 2025). Federal courts
9 have rejected this broad position for interior arrests of EWIs, holding that §1226(a)—not
10 §1225(b)(2)—governs IJ bond jurisdiction.⁴ Petitioner asks this Court to find that he is
11 unlawfully detained under §1225(b) and, instead, that his detention should be governed by
12 §1226(a).
13

15 27. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) applies only to
16 noncitizens seeking admission and not to those who have entered the U.S. without inspection.
17 Noncitizens who entered without inspection should be detained under §1226(a), unless they
18 are subject to another mandatory detention provision, such as § 1225(b)(1), § 1226(c), or §
19 1231. Detention under §1225(b) is mandatory, which is why DHS and the BIA’s
20 overexpansion of the statute egregiously strips individuals of their statutory right to request
21 bond.
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24 28. 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal

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26 ⁴ *See Echevarria v. Bondi*, No. CV-25-03252, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025), *Plascencia v. Bondi*, No. CV-
27 25-04140, 2025 WL 3250914 (D. Ariz. Nov. 21, 2025), *Benitez-Cornejo v. Cantu*, No. CV-25-03672, 2025 WL
28 2992211 (D. Ariz. Oct. 17, 2025), *Rodriguez v. Bostock*, 2025 WL 1193850 (W.D. Wa. Apr. 24, 2025), *Zaragoza*
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2533110 (N.D. Cal. Sept. 3, 2025), *Bautista v. Santacruz*, No. 25-cv-01873, 2025 WL 2670875 (C.D. Cal. July 28,
2025); *Gonzalez v. Noem*, No. 25-cv-02054, 2025 WL 2633187 (C.D. Cal. Aug. 13, 2025), *Arrazola-Gonzalez v. Noem*,
No. 25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025)

1 proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals detained under
2 §1226(a) are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§
3 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted
4 of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c). Conversely,
5 §1225(b)(2) applies only to aliens seeking admission after examination by an immigration
6 officer—that is, those *seeking admission*. DHS and the BIA are diverging from the long-
7 established and well-settled interpretation of §1225(b)(2), which has effectively made §1226
8 obsolete. §1226(c) requires detention for aliens involved in an enumerated crime, including
9 those present in the U.S. without being admitted or paroled. DHS’s interpretation would render
10 §1226(c) meaningless, as all noncitizens present without admission would fall under § 1225’s
11 mandatory detention authority regardless of criminal charges.

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15 29. DHS and BIA’s overbroad interpretation of §1225 invalidates §1226 and
16 conflicts with the long-standing post-IIRIRA framework established in EOIR’s 1997
17 rulemaking. Since the Petitioner was arrested in the interior, and is in proceedings under
18 §1229a, §1226(a) applies, and he is eligible for an IJ bond hearing under 8 C.F.R. §§
19 1003.19(a), 1236.1(d). This Court should determine that §1226(a) is applicable, reject the
20 misclassification, and order immediate release or, at a minimum, a prompt *Singh*-compliant
21 bond hearing on a fixed timeline.

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24 **II. THE STATUTORY TEXT, STRUCTURE, AND HISTORY CONFIRM**
25 **§1226(A)—NOT §1225(B)(2)—GOVERNS INTERIOR ARRESTS**

26 30. The Petitioner repeats, re-alleges, and incorporates by reference each and every
27 allegation in the preceding paragraphs as is fully set forth herein.

28 31. Historically, §1226(a)’s release authority gives immigration authorities

1 discretion to release a noncitizen on bond. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Under long-
2 standing practice and implementing regulations, individuals detained under §1226(a) can
3 request bond. The legislative history also indicates that §1225 has a limited temporal and
4 geographic scope when considering regulations. §1225(b)(1) applies only to currently
5 “arriving” noncitizens and those apprehended within two years of entry, while §1225(b)(2)
6 covers those in the process of “seeking admission.” Similarly, the implementing regulations
7 at 8 C.F.R §1.2 address noncitizens who are currently “coming or attempting to come into the
8 United States.” The use of present and present progressive tense in the statutory and regulatory
9 language excludes noncitizens captured inside the country, as they are no longer in the process
10 of arriving or seeking admission to the United States.s.

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13 32. The BIA’s decision in *Matter of Yajure Hurtado* departs from the longstanding
14 understanding by reclassifying all EWIs—even those arrested deep in the interior—as
15 §1225(b)(2) detainees without IJ bond jurisdiction. 29 I. & N. Dec. 216 (BIA 2025). Under
16 *Loper Bright v. Raimondo*, the APA requires courts to exercise independent judgment when
17 determining if an agency has acted within its statutory authority, and courts cannot defer to an
18 agency’s law interpretation “simply because a statute is ambiguous.” 603 U.S. 369, 395, 401
19 (2024). The interpretation of §1225 in *Matter of Yajure Hurtado* marks a change from the
20 EOIR’s 1997 rulemaking and decades of consistent practice, and has faced opposition in
21 multiple district courts. Under *Loper Bright*, such a shift warrants no deference. Therefore,
22 §1225 should be interpreted according to its text, structure, and legislative history.

23 **III. DHS/BIA’S §1225(B)(2) INTERPRETATION IS OVERBROAD**

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26 33. The Petitioner repeats, re-alleges, and incorporates by reference each and every
27 allegation in the preceding paragraphs as is fully set forth herein.
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1 34. The government interprets §1225(b)(2) as applying to those present without
2 admission, regardless of where or how long they have been in the U.S. What was once limited
3 to aliens seeking admission at (or effectively at) the border has been transformed into a no-
4 bond regime for interior arrests. This view contradicts the statute’s text, structure, and history,
5 and it dismisses the long-established role of §1226(a) in §1229(a) proceedings. The statute’s
6 language and implementing regulations restrict §1225 to the context of admission and entry.
7 §1225 is titled “Inspection by immigration officers; expedited removal...” and repeatedly
8 references “inspection,” a term indicating an examination upon or shortly after physical entry.
9 *See, e.g.*, 8 U.S.C. § 1225(d)(1) (authorizing immigration officials to search certain
10 conveyances to conduct “inspections” where noncitizens “are being brought into the United
11 States”). Section § 1225(b)(2) applies to persons “seeking admission,” a present tense,
12 process-oriented phrase; the regulations define an “arriving alien” as one “coming or
13 attempting to come into the United States.” 8 C.F.R. § 1.2 (emphasis added). “Seeking
14 admission” necessarily involves present-tense action, not individuals who have been in the
15 country for a long time. Interior arrests, such as Petitioner’s, fall outside the admission
16 framework of § 1225.
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21 35. Additionally, the BIA confirms that IJs decide whether someone is properly
22 classified as an “arriving” individual.⁵ *Matter of Bulnes*, 25 I. & N. Dec. 57, 59 (BIA 2009).
23 That longstanding practice presupposes a clear boundary between §1225 “arriving” cases and
24 §1226(a) interior cases—and undercuts any claim that §1225 was meant to include all who
25 entered without inspection. If §1225 was genuinely meant to broadly classify all EWIs as
26
27

28 ⁵ *See Matter of Bulnes*, 25 I&N Dec. 57, 59 (BIA 2009) (stating that “[a]n Immigration Judge has the authority to consider and decide whether he has jurisdiction over a matter presented to him”).

1 applicants for admission, past IJs would not have needed the authority to analyze this question
2 initially.

3
4 36. In *Jennings v. Rodriguez*, the Supreme Court stated that §1225(b) is primarily
5 concerned with those seeking entry and is enforced “at the Nation’s borders and ports of entry,
6 where the Government must determine whether a [noncitizen] seeking to enter the country is
7 admissible.” 583 U.S. at 297, 287 (2018). The Supreme Court further noted that it was illogical
8 to suggest switching from §1225(b) detention to §1226(a) detention, since the latter authorizes
9 detention “only ‘on a warrant issued’ by the Attorney General.” *Id.* at 302. Despite clear
10 statutory distinctions, DHS and the BIA collapse categories—treating arriving and interior
11 noncitizens alike—broadening § 1225’s scope and disregarding legislative history. The Court
12 should reject this expansive interpretation and affirm that §1226(a) governs Petitioner’s
13 detention.
14
15

16 **IV. THE CURRENT INTERPRETATION OF §1225 IS IN VIOLATION OF THE**
17 **ADMINISTRATIVE PROCEDURE ACT**

18 37. Petitioner repeats, re-alleges, and incorporates by reference each and every
19 allegation in the preceding paragraphs as is fully set forth herein.

20 38. The Administrative Procedure Act (“APA”), codified at 5 U.S.C. §§ 551–559,
21 governs procedures in administrative law. The APA authorizes federal courts to (1) decide all
22 relevant questions of law; (2) interpret constitutional and statutory provisions; and (3)
23 determine the meaning or applicability of an agency’s action. According to *Lopez Bright v.*
24 *Raimondo*, the APA requires courts to exercise their independent judgment in deciding
25 whether an agency acted within its statutory authority, and “may not defer to an agency
26 interpretation of the law simply because a statute is ambiguous.” 603 U.S. 369, 395, 401
27
28

1 (2024). Furthermore, a person “suffering legal wrong because of agency action, or adversely
2 affected or aggrieved by agency action ... is entitled to judicial review.” 5 U.S.C. § 702. Relief
3 may include “writs of prohibitory or mandatory injunction or habeas corpus.” 5 U.S.C. § 703.
4 Courts can “compel agency action unlawfully withheld or unreasonably delayed,” §706(1), or
5 “hold unlawful and set aside agency action” that is arbitrary, capricious, contrary to law, or in
6 excess of statutory jurisdiction, § 706(2)(A)–(C).
7

8
9 39. Applying §1225(b)(2) to Petitioner—an interior arrestee in §1229a
10 proceedings—exceeds statutory authority (§ 706(2)(C)) and is not in accordance with law (§
11 706(2)(A)). The text, structure, and history limit §1225 to applicants “seeking admission” at,
12 or effectively at, the border; §1226(a) serves as the default detention authority for §1229a
13 proceedings and maintains IJ bond jurisdiction. *See* 62 Fed. Reg. 10,312, 10,323 (Mar. 6,
14 1997). DHS’s and BIA’s shift ignores that framework. The result is prolonged detention
15 without any IJ bond process, which violates the INA and the APA.
16

17 40. Since the petitioner has now been detained for over 50 days due to IJ’s and DHS’s
18 incorrect application of §1225, he now seeks to challenge their actions. Pursuant to the
19 longstanding legal principle known as the *Accardi* doctrine, individuals can challenge
20 immigration agencies’ actions for failing to follow procedural regulations and internal agency
21 rules if those actions impact their rights. *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).
22 The Petitioner’s rights have indeed been detrimentally affected due to the Department’s and
23 the BIA’s actions, which have led to a denial of a fair and impartial bond hearing, even though
24 he is entitled to one under §1226.
25

26
27 41. Furthermore, DHS’s one-size-fits-all detention policy—carried out through
28

1 internal directives and litigation positions—serves as a legislative rule adopted without notice-
2 and-comment, violating 5 U.S.C. § 553.

3
4 42. The Court should (1) set aside DHS’s and BIA’s application of §1235(b)(2) to
5 Petitioner as unlawful under §706(2)(A) and (C); (2) order his immediate release, or at a
6 minimum, compel prompt, lawful action under §1226(a) (including a *Singh*-compliant IJ bond
7 hearing within 7 days); and (3) recognize that this relief is individualized and consistent with
8 *Garland v. Aleman Gonzalez*, 596 U.S. 543, 548–49 (2022) (district courts may grant case-
9 specific relief).

10
11 **V. THE GOVERNMENT’S OVERBROAD §1225 APPLICATION VIOLATES**
12 **THE PETITIONER’S PROCEDURAL AND SUBSTANTIVE DUE PROCESS**
13 **RIGHTS**

14 43. Petitioner repeats, re-alleges, and incorporates by reference each and every
15 allegation in the preceding paragraphs as is fully set forth herein.

16 44. The government cannot deprive a person of life, liberty, or property without due
17 process of law. U.S. Const. amend. V. According to *Zadvydas v. Davis*, freedom from
18 imprisonment “from government custody, detention, or other forms of physical restraint—lies
19 at the heart of the liberty” protected by the Due Process Clause. 533 U.S. 678, 690, (2001).
20 Due process demands procedures that reliably justify confinement and ensure a “meaningful
21 time” and “meaningful manner” to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976);
22 *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017) (bond procedures must consider the
23 ability to pay, alternatives, and distinguish between those who must be detained and those who
24 may be released).

25
26
27 45. Prolonged civil detention cannot be arbitrary. Even when detention is initially
28 lawful, it becomes unconstitutional if prolonged without proper justification or due process.

1 *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 529–31 (2003) (upholding only
2 brief, finite pre-final-order detention); *Hernandez*, 872 F.3d at 991–95. The Fifth
3 Amendment’s Due Process Clause applies to all “persons” within the United States. This
4 principle covers both pretrial detention and immigration detention under the Fifth
5 Amendment. *McDonald v. Feeley*, 535 F.Supp.3d 128 (W.D.N.Y. Apr. 26, 2021). In nearly
6 every civil confinement case, the Supreme Court has emphasized that the key aspect of
7 procedural due process is an individualized custody hearing before a neutral adjudicator.
8 *Foucha v. Louisiana*, 504 U.S. 71, 81, 86 (1992) (citing *United States v. Salerno*, 481 U.S.
9 747-51 (1987)).

10
11
12 46. Prolonged detention may violate due process when it becomes unreasonable
13 relative to its regulatory goals. Courts have recognized that detention, even if initially lawful,
14 can become unconstitutional if it is excessively prolonged without sufficient justification. *U.S.*
15 *v. Stanford*, 722 F.Supp.2d 803 (S.D. Tex. 2010). The government’s detention of Petitioner
16 without a bond hearing to assess whether he is a flight risk or a danger to others violates his
17 right to due process. The Ninth Circuit has consistently held that prolonged detention without
18 adequate procedural protections raises serious constitutional concerns. *See Banda v.*
19 *McAleenan*, 385 F.Supp.3d 1099 (2019).⁶

20
21
22
23 **VI. PETITIONER IS ENTITLED TO RELIEF PURSUANT TO MALDONADO**
BAUTISTA

24 47. Petitioner repeats, re-alleges, and incorporates by reference each and every
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⁶ *Banda v. McAleenan*, 385 F. Supp.3d 1099 (2019); (establishing the case-specific analysis for whether a detention violates a petitioner's due process, considering factors such as (1) the total length of detention to date, (2) the likely duration of future detention, (3) the conditions of detention, (4) delays in the removal proceedings caused by the detainee, (5) delays caused by the government, and (6) the likelihood that the removal proceedings will result in a final order of removal).

1 allegation in the preceding paragraphs as if fully set forth herein.

2 48. The Petitioner is a member of the Bond Eligible class because he entered the
3 U.S. without inspection in 2008, he was not apprehended upon arrival, and because he is not
4 subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. As a member of the
5 Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C.
6 § 1226(a). The order granting partial summary judgment in *Maldonado Bautista* states that
7 Respondents violate the INA by applying the mandatory detention statute at § 1225(b)(2) to
8 class members. The order granting class certification in *Maldonado Bautista* also orders that
9 “[w]hen considering this determination with the MSJ Order, the Court extends the same
10 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
11

12
13 49. Respondents are parties to *Maldonado Bautista* and are bound by the Court’s
14 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.
15 § 2201(a). By denying Petitioner a bond hearing under § 1226(a) and claiming that he is
16 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory
17 rights under the INA, APA, and the Court’s judgment in *Maldonado Bautista*.
18

19
20 **PRAYER FOR RELIEF**

21 **WHEREFORE**, Petitioners respectfully request that this Court:

22 50. Assume jurisdiction over this matter;

23 51. Issue a writ of habeas corpus requiring that, within one day, Respondent release
24 Petitioner⁷,

25
26 52. Alternatively, issue a writ of habeas corpus requiring Respondents to release
27

28 ⁷ See, e.g., *Chipantiza-Sisalema v. Francis*, 2025 WL 1927931 (S.D.N.Y. July 13, 2025); *O-J-M- v. Bostock*, 2025 WL 1943008, at *1 (D. Or. July 14, 2025); *N.Z.M. v. Wolf*, 2020 WL 2813557, at *3 (S.D. Tex. May 28, 2020);


1 Petitioner unless they provide a *Singh*-compliant bond hearing under 8 U.S.C. § 1226(a)
2 within seven days. During this hearing, the Government bears a clear-and-convincing burden
3 to prove danger or flight risk. The IJ should consider least-restrictive alternatives to detention
4 and the ability to pay, and the IJ must issue reasoned, on-the-record findings with a
5 contemporaneous transcript;
6

7 53. Award Petitioner attorney fees and costs under the Equal Access to Justice Act
8 (EAJA), as amended;
9

10 54. Enjoin transfer or removal of Petitioner pending compliance with the Court's
11 orders (including any ordered bond hearing); and require 72 hours' notice to counsel of any
12 proposed movement; as amended, 28 U.S.C. § 2412, and on any other basis justified under
13 law; and
14

15 55. Grant such other and further relief as the Court deems just and proper.

16 Respectfully submitted,
17

18 
19



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EXHIBIT A

DEFENDANT'S DECLARATION PURSUANT TO 28

U.S.C. § 1746 BY JOSE ADALBERTO RIVAS PIMENTEL 

I, Jose Adalberto Rivas Pimentel, under penalty of perjury, declare the following:

1. My full name is Jose Adalberto Rivas Pimentel. My date of birth is 
and I am thirty-six (36) years old. I was detained by U.S. Immigration and Customs Enforcement (hereinafter "ICE") on October 21, 2025, and since then, I have been detained at Florence Correctional Center in Florence, Arizona. Before my detention, I resided with my family at  I have been in the U.S. since 2008, after entering the U.S. without being apprehended or inspected at the age of nineteen (19). I have no criminal record, a valid New York State license, and have paid my federal and state taxes.
2. This statement has been written with the assistance of my attorneys at Rivera Julka Law Group. Attorney Jessica Ventura, during a telephone meeting, asked me questions in Spanish, which were later translated into English and submitted to the court.
3. On October 21, 2025, at 7:00 AM, I was leaving to go to work when I noticed two unknown vehicles outside my home that I had not seen before. I entered my car and began my drive to work when I noticed these vehicles following me. The vehicles were black and unmarked, and they followed me for about five (5) minutes before I saw their lights turn on. I pulled over, and two additional vehicles surrounded my vehicle from all three (3) sides. I felt scared and confused.
4. Shortly after, three (3) officers approached my car, one stood by the passenger window, and another approached my window. One of the officers wore a uniform bearing the letters "FBI"; another wore a Homeland Security Investigations badge; and a third wore a

mask, and I could not see any identification. However, all were carrying visible weapons. The officer asked for my license and registration in English, and I asked why I was being pulled over. The officer stated that they were looking for someone else, but they needed my license. He took my license and then came back and said he knew I was illegal and that I had an I-130 petition pending. The officer asked me to exit the car and stated that, because my I-130 was pending, it would be faster to take me in. I asked him to explain how the process would be faster, but he did not respond.

5. At this moment, I was still inside my car with my seatbelt on. The officer then told me I needed to exit the vehicle because there was an issue with my name and vehicle information. I asked what the issue was, since I knew everything was registered under my name. He again did not answer, only repeated that I needed to get out of the car. I was confused by what was happening: he first admitted they were looking for someone else, then stated there was an issue with my car, and finally asserted that my I-130 would be processed faster if I were detained. It was all confusing, so I asked him to provide me with the warrant for my arrest.
6. When I asked the officer for a warrant, he said he did not have to show me anything, and I once again said I either needed a warrant before I got out of the car or a clear explanation as to what was happening since nothing made sense. The officer responded that he did not have to show a warrant, nor did he have to explain anything to me, and that I needed to get out of the car, or they would remove me from the car the "hard way."
7. One officer finally spoke to me in Spanish, but all he would say was that I needed to get out of the car and refused to explain anything else to me. By this point, I had not been informed whether I was under arrest.

8. The officers then smashed the back rearview window, forced my door open, and yanked me out of the car. They then slammed me over the hood of my car and handcuffed me. At this point, I felt extremely afraid and confused. No one told me I was under arrest, nor why I was being detained, and they never clarified the issue they claimed was going on with my car. I felt kidnapped and felt that my rights had been violated. It was extremely terrifying.
9. After I was detained, I was brought to Central Islip, New York, where I was interviewed by deportation officers and was told I was being detained for being undocumented. I was then transferred to a detention center in New Jersey, where I remained for about two (2) weeks. I was then sent on a flight to Florence, Arizona, where I remain detained.
10. I have been detained since October 21, 2025, for around fifty-one (51) days. Since this time, I have felt extremely hopeless and have been suffering from anxiety, depression, insomnia, and lack of appetite. My family retained a different attorney, who told me I had few options because Immigration Judges are denying bond, which felt extremely defeating.
11. Since I have been detained in Florence, Arizona, I have been completely isolated from my friends and family. While I was detained at the detention center near New York, it was at least possible for my family to visit me. However, since I was brought to Arizona, I have been unable to see my family. I am detained at a jail, where individuals around me have serious criminal convictions. I am punished and treated like every other inmate here, without caring for the fact that I have never been convicted of any crime.
12. This has also isolated me from my attorneys, and it has become difficult to communicate with them. At this facility, if my attorney schedules a meeting to speak with me, I have to

be brought to another area, which requires that I and the other inmates scheduled for an appointment leave at 4:30 AM on a bus, travel to the location, and wait in handcuffs until it is time for the appointment. We are then required to wait until the end of the day, when everyone is brought back to the facility together.

13. Additionally, I have been suffering from a throat ache for weeks now. I have attempted multiple times to get antibiotics at the clinic and with the doctors, but they only give me ibuprofen sometimes and tell me it is likely an allergy to the air. It has been difficult to swallow and sleep with this pain, but the clinic has not been able to give me anything other than one ibuprofen every time I go to them.

14. Since my detention, I am highly anxious; there are moments when I feel like I can't breathe, and I have to get up from my bed and try to force myself to remember how to breathe. I haven't been eating due to depression and feelings of hopelessness. When I was first detained, I weighed 142 pounds, but I have since lost 10 pounds. I also don't sleep; every night, I sleep four (4) hours or less. I spend the night thinking of my two (2) young children and how they are doing. I also think about my partner, who is struggling without me there, and I think about my parents since I am their sole caretaker.

15. Before being detained, I was the main financial provider of my household. I have been employed by a gutter company since 2011, and I served as the company's manager prior to my detention. I was responsible and diligent in my work, and I enjoyed it. I earned enough to cover all household costs for myself, my partner, our children, and my parents. Further, at home, I equally shared responsibilities with my partner regarding the care of my children. My children are eight (8) and four (4), and they require full-time care when they aren't in school. I picked them up in the afternoons and spent time with them any

time I was out of work. I oversaw their nighttime routine, assisted with their schoolwork, and spent quality time with them every evening. On weekends, we would spend time together as a family.

16. I am also a caretaker to my two Lawful Permanent Resident parents, who are in their 60s.

They rely on me in every aspect. I take them to their doctors' appointments, call in and pick up their prescriptions, take them to church weekly, and provide financial support for their housing, groceries, and all other necessities. My partner, parents, and children are struggling greatly without me present, and it is causing me emotional and psychological turmoil. I find myself in a negative mindset often, and the feelings of hopelessness consume me often.

17. I have been in the U.S. since the age of nineteen (19), and up until the day I was detained,

I had never had contact with any immigration officials or the police. I have diligently filed my income taxes, and I drove with a valid New York State driver's license. I have been a law-abiding person and an active member of my community.

18. I declare under penalty of perjury that the foregoing is true and correct. It has been read back to me, and I have confirmed the information provided. I am willing to testify to the document's contents and understand that, due to the emergency nature of the filing, this document is being submitted without my signature. However, my attorney has informed me that the documents have been sent to me for signature and will be submitted thereafter.

Jose Adalberto Rivas Pimentel

EXHIBIT B

Appendix A

Martinez v. Hyde, No. 25-11613, 2025 WL 2084238 (D. Mass. July 24, 2025); *Bautista v. Santacruz*, No. 25-cv-01873, 2025 WL 2670875 (C.D. Cal. July 28, 2025); *Gonzalez v. Noem*, No. 25-cv-02054, 2025 WL 2633187 (C.D. Cal. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 Civ. 5937, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Dos Santos v. Noem*, No. 25-cv-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Arrazola-Gonzalez v. Noem*, No. 25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 Civ. 6373, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-cv-06248, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Quinonez Mercado v. Dep't Homeland Sec.*, No. 25-cv-12066, 2025 WL 2430423 (D. Mass. Aug. 22, 2025); *Leal-Hernandez v. Noem*, No. 25-cv-02428, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Diaz Diaz v. Mattivelo*, No. 25-cv-12226, 2025 WL 2457610 (D. Mass. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Francisco T. v. Bondi*, No. 25-CV-03219, 2025 WL 2629839 (D. Minn. Aug. 29, 2025); *Chogillo Chafila v. Scott*, No. 25-cv-00437, 2025 WL 2531027 (D. Me. Sept. 2, 2025); *Salvador v. Bondi*, No. 25-cv-07946, 2025 WL 2995055 (C.D. Cal. Sept. 2, 2025); *Hernandez Nieves v. Kaiser*, No. 25-cv-06921, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Garcia v. Noem*, No. 25-cv-02180, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Doe v. Moniz*, No. 25-cv-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Mosqueda v. Noem*, No. 25-cv-02304, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Guzman v. Andrews*, No. 25-cv-01015, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Sampiao v. Hyde*, No. 25-cv-11981, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Pizzaro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Hernandez Marcelo v. Trump*, No. 25-cv-00094, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025); *Lopez Santos v. Noem*, No. 25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Salcedo Aceros v. Kaiser*, No. 25-cv-06924, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Munoz Materano v. Arteta*, No. 25 Civ. 6137, 2025 WL 2630826 (S.D.N.Y. Sept. 12, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025); *Garcia Cortes v. Noem*, No. 25-cv-02677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Vazquez v. Feeley*, No. 25-cv-01542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Salazar v. Dedos*, No. 25-cv-00835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Oliveros v. Kaiser*, No. 25-cv-07117, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Castellanos v. Kaiser*, No. 25-cv-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Barrera v. Tindall*, No. 25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Chiliquina Yumbillo v. Stamper*, No. 25-cv-00479, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Hasan v. Crawford*, No. 25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Singh v. Lewis*, No. 25-cv-96, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Chogillo Chafila v. Scott*, No. 25-cv-00437, 2025 WL 2688541 (D. Me. Sept. 22, 2025); *Lepe v. Andrews*, No. 25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Barrajas v. Noem*, No. 25-cv-00322, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025); *Roman v. Noem*, No. 25-cv-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Roa v. Albarran*, No. 25-cv-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 WL 2732717 (M.D. Fla. Sept. 25, 2025); *Valencia Zapata v. Kaiser*, No. 25-cv-07492, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Inlago Tocagon v. Moniz*, No. 25-cv-12453, 2025 WL 2778023 (D. Mass. Sept. 29, 2025); *Romero-Nolasco v. McDonald*, No. 25-cv-12492, 2025 WL 2778036 (D. Mass. Sept. 29, 2025); *Chang Barrios v. Shepley*, No. 25-cv-00406, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *J.U. v. Maldonado*, No. 25-CV-04836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025); *Quispe v. Crawford*, No. 25-cv-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Flores v. Noem*, No. 25-cv-02490, 2025 WL 3050062 (C.D. Cal. Sept. 29, 2025); *Helbrum v. Williams*, No. 25-cv-00349, 2025 WL 2840273 (S.D. Iowa Sept. 30, 2025);

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2025 WL 3228988 (D. Idaho Nov. 19, 2025); *Lopez v. Anderson*, No. 25-cv-00621, 2025 WL 3228997 (D. Idaho Nov. 19, 2025); *Camacho v. Hollinshead*, No. 25-cv-00593, 2025 WL 3228998 (D. Idaho Nov. 19, 2025); *Rangel v. Knight*, No. 25-cv-00607, 2025 WL 3229000 (D. Idaho Nov. 19, 2025); *Serrato v. Anderson*, No. 25-cv-00603, 2025 WL 3229001 (D. Idaho Nov. 19, 2025); *Elias v. Knight*, No. 25-cv-00604, 2025 WL 3229013 (D. Idaho Nov. 19, 2025); *Ramirez v. Noem*, No. 25 C 13651, 2025 WL 3227341 (N.D. Ill. Nov. 19, 2025); *Lobera v. Noem*, No. 25 CV 13593, 2025 WL 3228984 (N.D. Ill. Nov. 19, 2025); *Gonzalez v. Olson*, No. 25 C 13439, 2025 WL 3237190 (N.D. Ill. Nov. 19, 2025); *Del Villar v. Noem*, No. 25-CV-00137, 2025 WL 3231630 (W.D. Ky. Nov. 19, 2025); *Ibarra v. Noem*, No. 25-cv-1335, 2025 WL 3223765 (W.D. Mich. Nov. 19, 2025); *Ortiz v. Raycraft*, No. 25-cv-1328, 2025 WL 3223771 (W.D. Mich. Nov. 19, 2025); *Martinez v. Unknown Party*, No. 25-cv-1298, 2025 WL 3223774 (W.D. Mich. Nov. 19, 2025); *Pastor v. Raycraft*, No. 25-cv-1301, 2025 WL 3223777 (W.D. Mich. Nov. 19, 2025); *Hernandez Franco v. Raycraft*, No. 25-cv-1274, 2025 WL 3223780 (W.D. Mich. Nov. 19, 2025); *Orozco-Martinez v. Lynch*, No. 25-cv-1353, 2025 WL 3223786 (W.D. Mich. Nov. 19, 2025); *Francisco T. V. Bondi*, No. 25-CV-03219, 2025 WL 3236513 (D. Minn. Nov. 19, 2025); *Mairena-Munguia v. Arnott*, No. 25-cv-3318, 2025 WL 3229132 (W.D. Mo. Nov. 19, 2025); *Ortiz v. Bernacke*, No. 25-cv-01833, 2025 WL 3237291 (D. Nev. Nov. 19, 2025); *Sales v. Mattos*, No. 25-cv-01819, 2025 WL 3237366 (D. Nev. Nov. 19, 2025); *Duran v. Bernacke*, No. 25-cv-02105, 2025 WL 3237451 (D. Nev. Nov. 19, 2025); *Perez v. Lyons*, No. 25-cv-17186, 2025 WL 3238540 (D.N.J. Nov. 19, 2025); *Ndiaye v. Jamison*, No. 25-6007, 2025 WL 3229307 (E.D. Pa. Nov. 19, 2025); *Figueroa v. Hermosillo*, No. 25-cv-02228, 2025 WL 3230466 (W.D. Wash. Nov. 19, 2025); *Manzanarez v. Bondi*, No. 25-cv-01536, 2025 WL 3247258 (E.D. Cal. Nov. 20, 2025); *Flores v. Noem*, No. 25-cv-03011, 2025 WL 3240807 (S.D. Cal. Nov. 20, 2025); *Boffill v. Field Off. Dir.*, No. 25-cv-25179, 2025 WL 3246868 (S.D. Fla. Nov. 20, 2025); *Rusu v. Noem*, No. 25 C 13819, 2025 WL 3240911 (N.D. Ill. Nov. 20, 2025); *Salinas v. Woosley*, No. 25-cv-121, 2025 WL 3243837 (W.D. Ky. Nov. 20, 2025); *Curillo v. Noem*, No. 25-cv-1340, 2025 WL 3235737 (W.D. Mich. Nov. 20, 2025); *Beltran v. Raycraft*, No. 25-cv-1352, 2025 WL 3237429 (W.D. Mich. Nov. 20, 2025); *Sanchez v. Noem*, No. 25-cv-1361, 2025 WL 3237435 (W.D. Mich. Nov. 20, 2025); *Melgar v. Noem*, No. 25-cv-1377, 2025 WL 3240058 (W.D. Mich. Nov. 20, 2025); *Cabrera-Cortes v. Knight*, No. 25-cv-01976, 2025 WL 3240971 (D. Nev. Nov. 20, 2025); *Sandhu v. Tsoukaris*, No. 25-14607, 2025 WL 3240810 (D.N.J. Nov. 20, 2025); *Lucero v. Soto*, No. 25-16737, 2025 WL 3240895 (D.N.J. Nov. 20, 2025); *Sun v. Almodovar*, No. 25-cv-9262, 2025 WL 3241268 (S.D.N.Y. Nov. 20, 2025); *Escarcega v. Olson*, No. CIV-25-1129, 2025 WL 3243438 (W.D. Okla. Nov. 20, 2025); *Patel v. McShane*, No. 25-5975, 2025 WL 3241212 (E.D. Pa. Nov. 20, 2025); *Plascencia v. Bondi*, No. CV-25-04140, 2025 WL 3250914 (D. Ariz. Nov. 21, 2025); *Padilla v. Bowen*, No. 25-cv-10780, 2025 WL 3251368 (C.D. Cal. Nov. 21, 2025); *Singh v. Bowen*, No. 25-cv-03034, 2025 WL 3251437 (C.D. Cal. Nov. 21, 2025); *Juarez v. Noem*, No. 25-cv-02972, 2025 WL 3251658 (C.D. Cal. Nov. 21, 2025); *Velasquez v. LaRose*, No. 25-CV-3137, 2025 WL 3251373 (S.D. Cal. Nov. 21, 2025); *Diaz-Villatoro v. LaRose*, No. 25-CV-3087, 2025 WL 3251377 (S.D. Cal. Nov. 21, 2025); *Santos v. LaRose*, No. 25-cv-3009, 2025 WL 3251575 (S.D. Cal. Nov. 21, 2025); *Marroquin v. LaRose*, No. 25-cv-3013, 2025 WL 3251579 (S.D. Cal. Nov. 21, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Garcia v. Raycraft*, No. 25-cv-13407, 2025 WL 3252286 (E.D. Mich. Nov. 21, 2025); *Delcid v. Noem*, No. 25-cv-1366, 2025 WL 3251139 (W.D. Mich. Nov. 21, 2025); *Oropeza v. Noem*, No. 25-cv-1343, 2025 WL 3251140 (W.D. Mich. Nov. 21, 2025); *Delgado v. Noem*, No. 25-cv-1249, 2025 WL 3251144 (W.D. Mich. Nov. 21, 2025); *Velasquez-Gomez v. Soto*, No. 25-17327, 2025 WL 3251443 (D.N.J. Nov. 21, 2025); *Valerio v. Joyce*, No. 25-17225, 2025 WL 3251445 (D.N.J. Nov. 21, 2025); *Gomez v. Bondi*, No. C25-2248, 2025 WL 3251157 (W.D. Wash. Nov. 21, 2025); *Ramos v. Hermosillo*, No. 25-cv-02273, 2025 WL 3251159 (W.D. Wash. Nov. 21, 2025); *Padilla v. Galovich*, No. 25-cv-863, 2025 WL 3251446 (W.D. Wis. Nov. 21, 2025).

EXHIBIT C



PRACTICE ADVISORY
Seeking Bond Hearings for *Maldonado Bautista* Class Members –
Those Who Entered Without Inspection and Are Subject to *Yajure-Hurtado*

Updated December 3, 2025

On November 25, 2025, the U.S. District Court for the Central District of California issued an order in *Maldonado Bautista v. Santacruz*, certifying a nationwide class of noncitizens who are in immigration detention and being denied access to a bond hearing based on the government’s allegation that they entered the United States without admission or inspection (colloquially referred to as “entered without inspection” or “EWI”). **The Court granted declaratory relief to the entire class**, holding that the government is unlawfully subjecting them to mandatory (meaning no-bond) detention and that class members are eligible for release on bond under the immigration laws. Thus, under the Court’s order, class members should be able to request a bond hearing in immigration court before an immigration judge (IJ) who must consider whether they are suitable for release on bond while their removal proceedings are pending. However, initial reports from practitioners indicate that the Department of Justice (DOJ) has instructed IJs to ignore the Court’s order. As a result, we have also provided information for what to do if that occurs in your case.

This advisory provides a synopsis of the Court’s decisions, as well as information for how to request a bond hearing. This advisory also briefly describes potential next steps in the *Maldonado Bautista* litigation. The situation is evolving, and we will update this advisory as circumstances change.

In the meantime, we are interested to hear how the Court’s decision is impacting detention and access to bond hearings for class members. Please contact the email address below if you would like to share information, or if you have any questions about the *Maldonado Bautista* case.

Maldonado Bautista Class Counsel Contact:
Bautista_EWI_Class@aclu.org

Background on the Government’s No-Bond Policy

For decades, noncitizens who entered without inspection, were arrested in the United States and were placed into removal proceedings were generally subject to discretionary detention under 8 U.S.C. § 1226(a) (and its predecessor statute). Under that framework, they could be considered for release on bond or conditional parole by the Department of Homeland

Security (“DHS”) and receive a bond hearing in immigration court before an IJ who could order release if found not to pose an undue flight risk or danger that justified continued detention.

The government upended this long-held understanding of the law in 2025.¹ First, on July 8, 2025, U.S. Immigration and Customs Enforcement (“ICE”) issued an interim guidance memo stating that anyone who entered without inspection was ineligible for release on bond and could not challenge their detention at a bond hearing in immigration court, regardless of how long an individual has lived in the United States. As a result, DHS attorneys started arguing, and some IJs started finding, that such individuals were not eligible for bond hearings in immigration court. Then, on September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a precedential decision, binding on all IJs, holding that an IJ had no authority to consider bond requests for any person who entered the United States without inspection. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The BIA determined that such individuals are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for release on bond. Although such individuals are technically eligible for release on humanitarian parole under 8 U.S.C. § 1182(a)(d)(5)(A), in practice, DHS is not exercising this authority. As a result, thousands of people are facing months or years in detention without any individualized consideration for whether they should be detained.

Mandatory detention under 8 U.S.C. § 1225(b)(2)(A) applies “in the case of [a noncitizen] who is an applicant for admission, if the examining immigration officer determines that [a noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted[.]” The government’s position is that anyone who entered without inspection remains an “applicant for admission” who is “seeking admission” and thus subject to § 1225(b)(2). The vast majority of district court judges who have considered this legal issue, however, have rejected the government’s position and have held that such individuals are subject to § 1226(a) and thus eligible for a bond hearing. Partner organizations have developed practice advisories and other resources on seeking release for those subject to § 1225(b).

Maldonado Bautista and the District Court’s Orders

On July 18, 2025, several weeks after the new DHS policy was announced, a nationwide class action was filed on behalf of four detained petitioners in the Central District of California challenging the new mandatory detention policy. That case, *Maldonado Bautista v. Santacruz* (Case No. 5:25-cv-1873) is litigated by the American Civil Liberties Union Immigrants’ Rights Project (“ACLU IRP”), ACLU of Southern California (“ACLU SoCal”), Northwest Immigrant Rights Project (“NWIRP”), and USC Gould School of Law Immigration Clinic (“USC Immigration Clinic”) (collectively referred to as “Class Counsel”).

¹ Before this, around 2022, IJs in Tacoma, Washington, stopped providing bond hearings to those who entered the United States without inspection, but it was not until July 2025 that DHS adopted this position nationwide.

The Court granted a temporary restraining order and ordered bond hearings for the four named petitioners. Because of limits on the availability of classwide injunctive relief,² the petitioners quickly filed a motion for class certification and partial summary judgment. Specifically, the petitioners sought a declaration that all class members are detained under § 1226(a) and not § 1225(b)(2), and are thus eligible for consideration for bond, and also sought vacatur of the new DHS and BIA mandatory detention policies.

On November 20, 2025, the Court granted partial summary judgment for the four petitioners, holding that the government’s policy is inconsistent with the plain language of the Immigration and Nationality Act (“INA”), and that petitioners are properly subject to § 1226(a). *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). Five days later, on November 25, 2025, the Court certified a nationwide class of individuals who are being subject to the government’s new no-bond policy—the Bond Eligible Class—and expressly “extend[ed] the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.” *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (emphasis added).

Who is a Class Member?

The district court certified the following Bond Eligible Class:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista, 2025 WL 3288403, at *9. Under this class definition, there are two groups of people who have claims to relief. First, there are those who entered the United States, were not apprehended at or near the border or close in time to their entry, and who were later arrested by immigration authorities. Second, there are those who were apprehended at or near the border and close in time to their entry, were released on recognizance, and then were re-detained by immigration authorities after residing in the United States.

The first group of persons has a straightforward claim to class membership that the government should not contest (so long as the person claiming class membership does not have other complicating facts, like criminal history that potentially subjects the person to § 1226(c)).

² In *Garland v. Aleman Gonzalez*, the Supreme Court interpreted 8 U.S.C. § 1252(f)(1) to prohibit classwide injunctive relief regarding certain immigration detention statutes like the ones at issue here. 596 U.S. 543 (2022). However, § 1252(f)(1) does not bar other forms of relief, like classwide declaratory relief. *See, e.g., Al Otro Lado v. Exec. Off. for Immigr. Rev.*, 138 F.4th 1102, 1123–24 (9th Cir. 2025).

However, the government is likely to contest class membership for the second group identified above. Among other arguments, advocates may want to assert that the adjudicating court should look to the most recent arrest to determine whether or not someone was apprehended “upon arrival.” In addition, the *Maldonado Bautista* court’s reasoning and language also indicate that the relevant inquiry for determining class membership should be a person’s most recent arrest. Advocates asserting class membership for a person who falls in the second group may need to add an alternative argument that even if they are not found to be class members, the same legal analysis dictates that they are detained under § 1226(a) and must be granted a bond hearing.³

How to Request a Bond Hearing in Immigration Court

As noted above, since *Maldonado Bautista* district court issued its judgment on behalf of the Bond Eligible Class, the government appears to have instructed IJs not to abide by the order.

This leaves advocates with two options. Because the government has instructed IJs not to honor the *Maldonado Bautista* judgment, advocates may wish to proceed directly to filing a petition for writ of habeas corpus based on class membership. Once a habeas petition is granted, advocates should submit a bond hearing request with a copy of the court order granting the habeas petition via ECAS.

Alternatively, some advocates may wish to have a bond hearing before an IJ prior to filing a petition for writ of habeas corpus if they believe the IJ will either (1) grant a bond or (2) be amenable to issuing an order specifying a bond amount in the alternative, as this may lead to quicker release. In some places, IJs have denied bond based on *Matter of Yajure Hurtado*, but then issued an alternative finding on whether the IJ would release on bond but for the perceived lack of jurisdiction and, if so, on what amount (i.e., set an “alternative bond”). An individual can then petition for a writ of habeas corpus, requesting that the court order the person released on the alternative bond as a *Maldonado Bautista* class member. Seeking an alternative bond holding would obviate the need to go through another bond hearing. However, for most cases, it is not worth delaying the habeas petition to await a bond hearing.

Advocates who opt to request bond before filing a petition for writ of habeas corpus should include copies of the order granting partial summary judgment and granting class certification. In addition, they should assert the facts necessary to demonstrate their client is a class member and that the declaratory judgment constitutes a binding ruling that requires the IJ to consider their client detained under 8 U.S.C. § 1226(a).

Appendix A has sample language that practitioners may wish to include to present this argument to the IJ.

³ Advocates can look at a recent district court decision making a similar alternative finding with respect to a regional class covering persons detained in Tacoma, Washington. Order, *Del Valle Castillo v. Wamsley*, No. 2:25-cv-02054-TMC (W.D. Wash. Nov. 26, 2025), Dkt. 28, at *4 (“[T]he fact that Petitioners are not Bond Denial Class members does not prevent them from seeking habeas relief on similar legal grounds.”).

Filing a Habeas Petition to Enforce *Maldonado Bautista*

So long as the government refuses to comply with the declaratory judgment in *Maldonado Bautista*, advocates will need to file petitions for writs of habeas corpus. These petitions should assert that the person is a class member in *Maldonado Bautista*, and that by virtue of the final declaratory judgment issued in that case, the person is entitled to a bond hearing under 8 U.S.C. § 1226(a). Advocates can download a Word version of a [template petition for writ of habeas corpus here](#). While the mechanics of filing petitions for writs of habeas corpus are beyond the scope of this advisory, there are many publicly accessible resources to guide advocates, including [this advisory](#) from the National Immigration Litigation Alliance.

Notably, *Maldonado Bautista* did not include habeas claims on behalf of the class. Thus, class members are not precluded from filing habeas petitions that assert that they are unlawfully detained because Defendants have denied them their statutory rights to a bond hearing, as determined by the district court's orders in *Maldonado Bautista*.

IJs have provided different rationale for refusing to comply with the declaratory judgment. Some have mistakenly asserted that the court did not provide classwide declaratory judgment. Advocates should point to the express language in the order that “the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.” *Maldonado Bautista*, --- F. Supp. 3d ---, 2025 WL 3288403, at *9.

Other IJs have stated that EOIR has taken the position that the *Maldonado Bautista* is not a binding, final judgment. This argument is wrong and is at odds with the *Maldonado Bautista* court's orders. The confusion stems from the fact the district court granted a partial summary judgment, as Plaintiffs did not move for summary judgment on all of their claims (e.g., their due process claim and APA claims relating to arbitrary and capricious action and rulemaking). As such, those claims remain pending, which is why the district court scheduled a status conference to determine how to address them. Under Federal Rules of Civil Procedure 54(b), a court may nonetheless order a final judgment even if it has not yet resolved all claims. In this case, the Court initially declined to do so in granting summary judgment because the Court had not yet ruled on the motion for class certification. This does not change the fact that the Court has granted summary judgment in the form of declaratory relief on behalf of the class and all parties remain bound by that order unless it is stayed, overturned on appeal, or the district court modifies the order.

However, should DOJ assert this position in a habeas petition, and should a federal judge agree, a habeas petitioner may seek to amend their petition for writ of habeas corpus to present a claim that the detained person is detained under § 1226(a), independent of any claim to class membership, just as advocates have done prior to the *Maldonado Bautista* orders.

Similarly, if DOJ asserts and a judge agrees that a habeas petitioner is not a class member, that person may seek to amend their habeas petition to assert a claim that, regardless of *Maldonado Bautista* class membership, the person is detained under 8 U.S.C. § 1226(a).

What Happens Next?

Because of the government's noncompliance with the *Maldonado Bautista* order, Class Counsel will likely be seeking further relief from the district court, including further clarification of the order granting summary judgment. The government has not yet indicated whether it intends to appeal.

The government has already appealed multiple decisions granting habeas relief to individuals who were subject to § 1225(b)(2) mandatory detention. It is therefore likely that the courts of appeals will weigh in on the legal issue over the coming months. ACLU IRP is tracking and coordinating those appeals, so please reach out if you have a case that has been appealed: My Khanh Ngo (mngo@aclu.org). In the Ninth Circuit, where the *Maldonado Bautista* case is being litigated, several appeals are already pending. There, the lead case appears to be NWIRP's regional class action for people detained at the Northwest ICE Processing Center, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash.). Briefing is set to be complete in that matter by February. There are also appeals pending, several with expedited briefing schedules, in the following circuits: First, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuits.

In addition to *Maldonado Bautista*, there are several pending regional class actions challenging the government's no-bond for EWIs policy. If you have questions about the interaction between *Maldonado Bautista* and any regional class actions, please contact us.

Compliance with the Court's declaratory relief will likely remain an issue. Please feel free to contact Class Counsel regarding issues with compliance and any other questions about the ongoing *Maldonado Bautista* litigation.

Appendix A – Sample Bond Request Language Regarding Declaratory Judgments

Mr. XX is a class member in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). In *Maldonado Bautista* the court certified the Bond Eligible Class, defined as:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Mr. XX is a noncitizen without lawful status detained at the [detention center] who (1) entered the United States without inspection, (2) was not apprehended upon arrival, and (3) is not subject to mandatory detention pursuant to 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Accordingly, as a member of the Bond Eligible Class, Mr. XX is entitled to the application of the law as stated in the *Maldonado Bautista* orders granting summary judgment and class certification. *See* 2025 WL 3288403, at *9 (“When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”).

This Court is obligated to apply the law to all class members, as determined in the binding, final judgment issued in *Maldonado Bautista*. The Executive Office for Immigration Review is a Defendant in *Maldonado Bautista*, and is thus bound by the ruling there, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). It is a “basic proposition that all orders and judgments of courts must be complied with promptly,” *Maness v. Meyers*, 419 U.S. 449, 458 (1975), and thus, in “suits against government officials and departments, [courts] assume that they will comply with declaratory judgments.” *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023). This is because declaratory judgments like the one in *Maldonado Bautista* have “the same effect as an injunction in fixing the parties’ legal entitlements.” *Florida ex rel. Bondi v. U.S. Dep’t of Health & Hum. Servs.*, 780 F. Supp. 2d 1307, 1316 (N.D. Fla. 2011). This understanding of declaratory judgments—and thus this court’s obligation to comply with the declaratory judgment in *Maldonado Bautista*—is consistent with the decisions of many courts. *See, e.g., Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 n.8 (D.C. Cir. 1985) (Scalia, J.) (“[T]he discretionary relief of declaratory judgment is, in a context such as this where federal officers are defendants, the practical equivalent of specific relief such as injunction or mandamus, since it must be presumed that federal officers will adhere to the law as declared by the court.”), *abrogated on other grounds by, Schieber v. United States*, 77 F.4th 806 (D.C. Cir. 2023), *cert. denied*, 144 S. Ct. 688 (2024); *Smith v. Reagan*, 844 F.2d 195, 200 (4th Cir. 1988) (describing declaratory relief as “the functional equivalent of a writ of mandamus”); *Pub. Citizen v. Carlin*, 2 F. Supp. 2d 18, 20 (D.D.C. 1998) (“The government’s decision to appeal this Court’s ruling does not affect the validity of the declaratory judgment unless and until the judgment is reversed on appeal or the government seeks and is granted a stay pending appeal.”), *rev’d on other grounds*, 184 F.3d 900 (D.C. Cir. 1999).

EXHIBIT D

Linda H. Chan, Assistant Chief Counsel
Office of the Principal Legal Advisor, Newark (Elizabeth)
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
970 Broad St, Rm. 1300
Newark, NJ 07102

DETAINED
Delaney Hall

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ELIZABETH, NEW JERSEY**

In the Matter of)
RIVAS-PIMENTEL, JOSE ADALBERTO)
)
)
)
)

In removal proceedings)

A 

Immigration Judge: Shana Chen

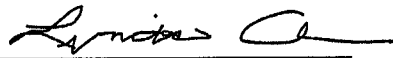
Next Hearing Date: 11-13-25 at 1 pm

DEPARTMENT OF HOMELAND SECURITY'S EVIDENCE

1. I-213


Certificate of Service

I served a copy on November 5, 2025 of DHS's Submission of Evidence and any attached pages through EOIR Courts and Appeals System (ECAS), which will automatically send service notifications to both parties that a new document has been filed.



Linda H. Chan/ Assistant Chief Counsel
DHS/ICE/OPLA
970 Broad Street, Rm. 1300
Newark, NJ 07102

November 5, 2025

Alien's Name RIVAS-PIMENTEL, JOSE ADALBERTO	File Number 	Date 10/21/2025
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 AFIS Neg
 ATS-P Neg
 CIS Neg
 CLAIM Pos
 EARM Neg
 NCIC Neg
 TECS Neg
 IAFIS Neg

NAME AND ADDRESS OF US EMPLOYER

MAGIC GUTTERS, UNKNOWN BRENTWOOD, NEW YORK, 11717, UNITED STATES

FUNDS IN POSSESSION

United States Dollar 128.00

AT/NEAR


BRENTWOOD, NEW YORK

Number and Nationality of Minor Children

[object Object],[object Object]

Record of Deportable/Excludable Alien:

Arrest:

On Tuesday, October 21, 2025, at approximately 0720hrs. Long Island Fugitive Operation, IRS, ATF, HSI and FBI arrested RIVAS Pimental, Jose  (El Salvador) a 36-year-old male citizen of El Salvador pursuant to an I-200 Warrant of Arrest. At approximately 0700hrs officers observed an individual matching the description of a primary target exit 314 American Blvd, Brentwood, NY. A vehicle stop was conducted at the intersection of 3rd Avenue and 7th street, Brentwood, NY. Officers identified themselves as officers with Immigration and Customs Enforcement and asked the subject for identification. The subject provided a New York Driver's license issued to Jose RIVAS Pimental. Record checks revealed that the subject had a [ending I-130 with USCIS but no further status. ICE officers questioned the subject and asked if he had any status in the United States and he stated that he only had a pending I-130 from his parents. Based on this information an I-200 warrant of arrest was issued. RIVAS Pimental refused to exit his vehicle. After numerous attempts to have RIVAS Pimental exit the vehicle and numerous refusals, with supervisor concurrence, ICE officers broke the rear window of the vehicle and extracted RIVAS Pimental from the vehicle. RIVAS Pimental was arrested without further incident. At approximately 0740 hours, Officers left the area and transported RIVAS Pimental to 535 Federal Plaza, Central Islip, NY for processing.

Immigration History:


RIVAS PIMENTAL is not a national or citizen of the United States. RIVAS PIMENTAL is a national and citizen of EL SALVADOR. RIVAS PIMENTAL entered the United States at a place not designated as a port of entry by the Attorney General of the United States and or the Secretary of Homeland Security, the successor, thus he was not admitted, inspected, or


Signature WILLIAM RODRIGUEZ	Title Deportation Officer
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EOIR - 3 of 3

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name RIVAS-PIMENTEL, JOSE ADALBERTO	File Number 	Date 10/21/2025
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paroled into the United States by a U.S. Immigration Official. On November 29, 2024, RIVAS PIMENTAL filed an I-360, a Petition for Amerasian, Widower, or Special Immigrant with the United States Citizenship and Immigration Services (USCIS) receipt number  which is still pending. On November 18, 2023. No other applications have been filed. RIVAS PIMENTAL will be charged under Section 212(a)(6)(A)(i) of the INA.

Other Factors:
RIVAS PIMENTAL claims fear of returning to EL SALVADOR.

Criminal History:
None


Family:
RIVAS PIMENTAL claims to be married and has 2 minor USC children living in the United States, all of whom are in the care of their biological mothers.

Health:
RIVAS PIMENTAL claims to be in good health and is not taking any medication.

Applications:
RIVAS PIMENTAL claims to not have any other pending immigration applications at this time and no pending applications appeared in the A-file.

Phone Call:
RIVAS PIMENTAL was given an opportunity to place a phone call. RIVAS PIMENTAL contacted his sister-in-law, Suleyma Ostorga, at 1000hrs at  The phone call lasted several minutes.

Meal:
RIVAS PIMENTAL was offered a meal at 1000hrs.

Property:
RIVAS PIMENTAL had \$128.00 USD in his possession at time of arrest. 

Consulate:
RIVAS PIMENTAL was given the opportunity to contact the consulate of Colombia at 1050hrs. RIVAS PIMENTAL requested the consulate not be notified.

Disposition: RIVAS PIMENTAL was served with I-862 Notice to Appear, I-286 Notice of Custody Determination, Detainee Locator, Consulate Notification, I-200 Warrant of Arrest, Free Legal Services List, and all other documents associated with removal proceedings. Bed space was approved by NYC SDDO. RIVAS PIMENTAL was transported to 26 Federal Plaza, New York, NY for housing.

Other Identifying Numbers



T 7708 PETITO

Signature WILLIAM1 RODRIGUEZ	Title Deportation Officer
---------------------------------	------------------------------

EOIR - 4 of 4