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9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 Claudio Martinez Robles,

13 Petitioner

14 v.

15 Kristi Noem, Secretary of the
16 U.S. Department of Homeland Security,

17 Pamela Bondi,
18 Attorney General of the United States;

19 Todd M. Lyons, Acting Director of
20 Immigration and Customs Enforcement;

21 Christopher Howard, Assistant Warden
22 Of the Eloy Detention Center;

23 Christopher McGregor, Field Office
24 Director for Enforcement and Removal
25 Operations,

26 U.S. Department of Homeland Security;
27 In their official capacities,


28 Respondents

Case No. _____

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

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I. INTRODUCTION

1. Petitioner, Claudio Martinez Robles, A  is being detained unlawfully at the Eloy Detention Center in the custody of U.S. Immigration Customs and Enforcement (“ICE”). Petitioner is a noncitizen and longtime resident of the United States who is harmed by Respondents’ new, draconian policy reinterpreting the immigration detention statutes to preclude Petitioner from eligibility for bond under the Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a), and for bond hearings under 8 C.F.R. §§ 1003.19(a), 1235.1(d). Instead, pursuant to this new policy, Respondents now consider Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), without the opportunity for release on bond during the pendency of his lengthy removal proceedings.

2. Petitioner brings this habeas corpus action pursuant to 28 U.S.C. § 2241 to challenge his continued unlawful detention by Immigration and Customs Enforcement (ICE) in violation of the Immigration and Nationality Act (INA) and the Fifth Amendment to the U.S. Constitution.

3. Absent an Order from this Court, Petitioner will continue to be unlawfully held in detention by ICE.

4. Petitioner asks this Court to find that Petitioner is being unlawfully detained by ICE and order that Respondents provide Petitioner with a bond redetermination hearing or release him from custody under the same conditions that existed before his detention.

II. REQUIREMENTS OF 28 U.S.C. § 2243

5. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

1 § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and
2 Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–
3 03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226 was most
4 recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat.
5 3 (2025).

6 21. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in
7 standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in
8 Section 1226(a) detention are generally entitled to a bond hearing at the outset of their
9 detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been
10 arrested, charged with, or convicted of certain crimes are subject to mandatory
11 detention until their removal proceedings are concluded, *see* 8 U.S.C. § 1226(c).
12 According to the Supreme Court, “§ 1226(c) applies to aliens already present in the
13 United States. Section 1226(a) creates a default rule for those aliens...” *Jennings v.*
14 *Rodriguez*, 138 S.Ct. 830 (2018). The Court states, “Section 1226(a) also permits the
15 Attorney General to release those aliens on bond, ‘[e]xcept as provided in subsection
16 (c) of this section.’”

17 22. Second, Section 1225 governs DHS’s inspection of noncitizens
18 who arrive at the borders and ports of entry of the United States. Section 1225
19 provides for mandatory detention of noncitizens subject to expedited removal under 8
20 U.S.C. § 1225(b)(1) and for other recent arrivals “seeking admission” referred to under
21 § 1225(b)(2). 8 U.S.C. § 1225(b)(2)(A) applies to individuals who are apprehended
22 on arrival in the United States. It states that an “applicant for admission” who is
23 “seeking admission” shall be detained for a removal proceeding under section 1229a.
24 *Id.* It does not apply to individuals like Petitioner who are arrested and detained by
25 ICE after having entered and begun residing in the United States many years earlier,
26 who are not presently “seeking admission.”

27 23. Last, the INA also provides for detention of noncitizens who have
28 received a final order of removal from the United States, including individuals in

1 withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b). This section does not
2 apply to Petitioner in this case because he does not have a final order of removal.

3 24. Petitioner’s case concerns the detention provisions at § 1226(a) and
4 § 1225(b)(2).

5 25. For decades, Respondents have applied § 1226(a) to people like
6 Petitioner who entered the United States without inspection and have lived in the
7 United States for many years.

8 26. In the decades that followed the passage of IRRIRA in 1996,
9 people who had entered without inspection and were thereafter arrested within the
10 United States and placed in removal proceedings as aliens present without admission
11 or parole were considered for release on bond and also received bond hearings before
12 an IJ under Section 1226, unless their criminal history rendered them ineligible. This
13 practice by EOIR, INS, and then DHS, was a reflection of and implementation of the
14 law as it is written.

15 27. However, on July 8, 2025, Defendants adopted an entirely new
16 interpretation of the statute, one not supported by the law. On that day, ICE, “in
17 coordination with the Department of Justice (DOJ),” announced a corresponding
18 policy that rejected the well-established understanding of the statutory and regulatory
19 framework and reversed decades of practice. The new policy, entitled “Interim
20 Guidance Regarding Detention Authority for Applicants for Admission,” (known as
21 “the Lyons Memo”) authored by Defendant Todd Lyons, claims that all persons who
22 entered the United States without inspection and are present in the United States
23 without having been admitted or paroled shall now be deemed subject to mandatory
24 detention under § 1225(b)(2)(A). *Id.* The policy applies regardless of when a person is
25 apprehended, and affects those who have resided in the United States for months,
26 years, and even decades. The Lyons memo is an unlawful agency interpretation that
27 conflicts with statute, precedent, and due process.

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1 28. DHS's and DOJ's interpretation set forth in the Lyons memo and
2 *Matter of Yajure Hurtado* defies the INA. Section 1226(a) applies by default to all
3 persons "pending a decision on whether the [noncitizen] is to be removed from the
4 United States." These removal hearings are held under § 1229a, to "decid[e] the
5 inadmissibility or deportability of a[] [noncitizen]."

6 29. The text of § 1226 also explicitly applies to people charged as
7 being inadmissible, including those who entered without inspection and are present in
8 the United States without being admitted or paroled. *See* 8 U.S.C. § 1226(c)(1)(E). Just
9 this year in early 2025, Congress added subparagraph (E) to Section 1226(c)(1) by
10 enacting the Laken Riley Act to exclude certain noncitizens who are present without
11 admission or parole from § 1226(a)'s default bond eligibility. Under the Laken Riley
12 Act, a noncitizen who is present in the U.S. without having been admitted or paroled
13 *and* has been accused of theft-related crimes is not eligible for bond. By adding a
14 provision relating to a person who is present without admission or parole and has been
15 accused of a theft-related crime, the Laken Riley Act actually assumes that a person
16 who is present without admission *and has not been accused or convicted* of a theft-
17 related crime *is* eligible for bond, as a general rule. Section 1226(c)(1)(E)'s reference
18 to persons inadmissible under § 1182(6)(A), i.e., persons inadmissible for entering
19 without inspection, makes clear that, *by default*, such people are eligible for release on
20 bond under Section 1226(a), if that person has not been accused or convicted of a
21 theft-related crime. As the *Rodriguez Vazquez* court explained, "[w]hen Congress
22 creates "specific exceptions" to a statute's applicability, it "proves" that absent those
23 exceptions, the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at
24 *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393,
25 400 (2010)). Otherwise, Section 1226(c)(1)(E) would be surplusage. Section 1226
26 therefore leaves no doubt that it does apply to people who are present without
27 admission or parole.

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1 30. By contrast, § 1225(b) applies to people arriving at U.S. ports of
2 entry or who very recently entered the United States. The statute’s entire framework is
3 premised on inspections at the border of people who are “*seeking admission*” to the
4 United States. 8 U.S.C. § 1225(b)(2)(A); *see also Diaz Martinez*, 2025 WL 2084238,
5 at *8 (“[O]ur immigration laws have long made a distinction between those
6 [noncitizens] who have come to our shores seeking admission . . . and those who are
7 within the United States after an entry, irrespective of its legality.” (quoting *Leng May*
8 *Ma v. Barber*, 357 U.S. 185, 187 (1958))). Indeed, the Supreme Court has explained
9 that this mandatory detention scheme applies “at the Nation’s borders and ports of
10 entry, where the Government must determine whether a[] [noncitizen] seeking to enter
11 the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
12 Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
13 people like Petitioner, who has already entered and was residing in the United States at
14 the time he was apprehended.

15 38. Since Respondents adopted their new policies, dozens of federal
16 courts have rejected their new interpretation of the INA’s detention authorities. Courts
17 have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the
18 statute as ICE. Even before ICE or the BIA introduced these nationwide policies, IJs
19 in the Tacoma, Washington, immigration court stopped providing bond hearings for
20 persons who entered the United States without inspection and who have since resided
21 here. There, the U.S. District Court in the Western District of Washington found that
22 such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies
23 to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez*
24 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

25 39. Subsequently, court after court has adopted the same reading of the
26 INA’s detention authorities and rejected ICE and EOIR’s new interpretation. *See, e.g.*,
27 *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025);
28 *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL

1 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR
2 (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation*
3 *adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13,
4 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588
5 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025
6 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-
7 01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*,
8 No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No.
9 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo*
10 *v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-*
11 *Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24,
12 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La.
13 Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----,
14 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-
15 12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v.*
16 *Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025);
17 *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530
18 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL
19 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025
20 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No.
21 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court
22 tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v.*
23 *Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19,
24 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224
25 at *2 (D. Neb. Aug. 14, 2025) (same). Accordingly, the mandatory detention provision
26 of §1225(b)(2)(A) does not apply to people like Petitioner, who have already entered
27 and were residing in the United States at the time they were apprehended.
28

1 capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C.
2 § 706(2)(A).

3 43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does
4 not apply to all noncitizens residing in the United States who are subject to the grounds
5 of inadmissibility. As relevant here, it does not apply to those who previously entered
6 the country and have been residing in the United States prior to being apprehended and
7 placed in removal proceedings by Respondents. Such noncitizens are detained under §
8 1226(a) and are eligible for release on bond, unless they are subject to § 1225(b)(1), §
9 1226(c), or § 1231.

10 44. Nonetheless, DHS and EOIR through the Eloy Immigration Court
11 IJs have a policy and practice of applying § 1225(b)(2) to *Maldonado Bautista* Bond
12 Eligible Class Members such as Petitioner.

13 **COUNT IV**

14 **Violation of Due Process Under the Fifth Amendment**

15 45. Petitioner repeats, re-alleges, and incorporates by reference each
16 and every factual allegation in the preceding paragraphs as if fully set forth herein.

17 46. The government may not deprive a person of life, liberty, or
18 property without due process of law. U.S. Const. Amend. V. “Freedom from
19 imprisonment—from government custody, detention, or other forms of physical
20 restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*,
21 533 U.S. 678, 690 (2001).

22 47. Petitioner has a fundamental interest in liberty and being free from
23 official restraint.

24 47. The government’s detention of Petitioner without a bond
25 redetermination hearing to determine whether he is a flight risk or danger to others
26 violates his right to due process.

27 **IX. PRAYER FOR RELIEF**

28 WHEREFORE, Petitioner respectfully requests that this Court:

- 1 a. Assume jurisdiction over this matter;
- 2 b. Order that Petitioner shall not be transferred outside the District of
- 3 Arizona while this petition is pending
- 4 c. Issue an Order to Show Cause ordering Respondents to show cause why
- 5 this Petition should not be granted within 3 days;
- 6 d. Issue a Writ of Habeas Corpus requiring that Respondents release
- 7 Petitioner or, in the alternative, provide Petitioner with a bond hearing
- 8 pursuant to 8 U.S.C. § 1226(a) within seven days;
- 9 e. Declare that Petitioner's detention is unlawful;
- 10 f. Award Petitioner attorney's fees and costs under the Equal Access to
- 11 Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other
- 12 basis justified under law; and
- 13 g. Grant any other and further relief that this Court deems just and proper.

14 DATED this 18th day of December, 2025.

15 Respectfully submitted,

16 /s/ Robert E. Coughlon, Jr.

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