UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

NICOLAS VEGA SANCHEZ, Petitioner, v. KRISTI NOEM, in her Official Capacity, Secretary of the U.S. Department of Homeland Security; WARDEN, Broward Transitional Center; ZOELLE RIVERA, Miramar Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement (ICE); TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement (ICE); and SIRCE OWEN, Acting Director, Executive Office of Immigration Review (EOIR), Respondents.	Case No. **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF** **EXPEDITED REQUEST**

INTRODUCTION

1. Nicolas Vega Sanchez ("Mr. Vega Sanchez"), a 45-year-old native and citizen of Mexico, who has lived in the United States for 25 years and, whom the government is currently detaining pursuant to 8 U.S.C. § 1225(b) based on its expansive reinterpretation of who may be treated as an "arriving alien."

2. After his entry, Mr. Vega Sanchez pursued protection through the affirmative asylum process, filing an asylum application that was received by U.S. Citizenship and Immigration

Services ("USCIS") in November 2016. During this period, DHS permitted Mr. Vega Sanchez to remain in the United States while his application was pending.

3. Over the course of the more than 9 years since that application, Mr. Vega Sanchez complied with every requirement imposed by DHS and USCIS. He appeared for biometrics, applied for employment authorization, and was granted work authorization. At no point during this time did DHS allege that Mr. Vega Sanchez pose a danger to the community or a flight risk, nor did it initiate removal proceedings against him.

4. DHS issued a Notice to Appear ("NTA"), under 240 removal proceedings (8 U.S.C. § 1229a). Mr. Vega Sanchez was not detained at the issuance of the NTA.

5. Mr. Vega Sanchez retained counsel to pursue cancellation of removal under INA § 240A(b) (Cancellation of removal). Once he was detained, Mr. Vega Sanchez learned that his lawyer did not (and has not) filed that application. Nonetheless, Mr. Vega Sanchez's case, along with his wife's case, was consolidated and scheduled to be heard before the New York Immigration Court on May 14, 2025.

6. On Sunday, November 23, 2025, while Mr. Vega Sanchez was walking outdoors, he was stopped by approximately four to six unidentified men, who turned out to be ICE agents. He was asked for his identification, which he presented, unafraid because he knew he had no criminal record. He was subsequently arrested and taken into ICE custody.

7. Since that arrest, Mr. Vega Sanchez has remained in ICE custody. He was first detained at the Delaney Hall Detention Facility in Newark, New Jersey 07105, he was then transferred to the Florida Soft-Sided South Detention Facility, 54575 Tamiami Trail E, Ochopee, Florida 34141, and then to the Broward Transitional Center, 3900 N. Powerline Road, Pompano Beach, FL 33073. *See* Exhibit A attached to this Petition.

8. Mr. Vega Sanchez being arrested and detained has devasted his wife and three American children, both emotionally and financially. *See* Exhibit B attached to this Petition, the Personal Statement of Nikol Vega Varela, and Exhibit C attached to this Petition, the Personal Statement of Maria Teresa Varela.

9. Through this Petition for Writ of Habeas Corpus, Mr. Vega Sanchez seeks judicial review of his continued detention and asks this Court to vindicate his statutory and constitutional rights by ordering appropriate relief. *See* Exhibit D attached to this Petition, which is an Appendix of Citations to Decisions granting relief similar to that requested here.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq.

11. Venue is proper because Mr. Vega Sanchez is detained at the Broward Transitional Center, 3900 N. Powerline Road, Pompano Beach, FL 33073, where he remains detained. *See* Ex. A. ICE Detainee Locator; *see also, generally, Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004) (generally, "[w]henever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States," he must file the petition in the district of confinement and name his immediate custodian as the respondent).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. Administrative exhaustion is unnecessary as it would be futile. *See, e.g., Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542–43 (E.D. Va. 1999).

13. It would be futile for Mr. Vega Sanchez to seek a custody redetermination hearing before an Immigration Judge ("IJ") because of the recent decision by the Board of Immigration Appeals ("BIA") holding that anyone who has entered the U.S. without inspection is now considered an

"applicant for admission" who is "seeking admission" and therefore subject to mandatory detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); *see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025) (noting that BIA's decision in *Yajure Hurtado* renders exhaustion futile).

14. Additionally, the agency does not have jurisdiction to review Mr. Vega Sanchez' claim of unlawful custody in violation of his due process rights, and it would, therefore, be futile for him to pursue administrative remedies. *Reno v Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a "futile exercise because the agency does not have jurisdiction to review" constitutional claims).

PARTIES

15. Petitioner Mr. Vega Sanchez is a forty-five-year-old native of Mexico. Before his arrest and detention, he resided with his wife at [redacted] Brooklyn, NY 11220. He has been in ICE custody since November 23, 2025. Initially, he was detained at the Delaney Hall Detention Facility, 451 Doremus Avenue, Newark, New Jersey 07105, he was then transferred to the Florida Soft-Sided South Detention Facility, 54575 Tamiami Trail E, Ochopee, Florida 34141, and then to the Broward Transitional Center, 3900 N. Powerline Road, Pompano Beach, FL 33073. *See* Exhibit A attached to this Petition.

16. Respondent Warden of Broward Transitional Center, is an unknown John or Jane Doe and is sued in his or her official capacity as warden, director and/or administrator of Broward Transitional Center, 3900 N. Powerline Road, Pompano Beach, FL 33073. In his or her official capacity, Respondent Warden is a legal custodian of the Mr. Vega Sanchez.

17. Respondent Zoelle Rivera is named in her official capacity as the official with authority over the Enforcement and Removal Operations (ERO) Office in Miramar, Florida, U.S.

Immigration and Customs Enforcement (ICE). Respondent Rivera is a legal custodian of Mr. Vega Sanchez and has the authority to effectuate his release.

18. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. He administers and enforces the immigration laws of the United States, routinely conducts business in the Southern District of Florida, is legally responsible for pursuing efforts to remove Mr. Vega Sanchez, and as such is the custodian of Mr. Vega Sanchez. At all times relevant hereto, Respondent Lyons's address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington DC 20536-5900.

19. Respondent Sirce Owen is named in her official capacity as the Acting Director of the Executive Office for Immigration Review (EOIR). In this capacity, Respondent Owen oversees the immigration court system in which Mr. Vega Sanchez' removal proceedings are pending and is responsible for the administration of those proceedings.

20. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the Southern District of Florida; is legally responsible for pursuing any effort to detain and remove Mr. Vega Sanchez; and as such is a custodian of Mr. Vega Sanchez. At all times relevant hereto, Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

LEGAL BACKGROUND

A. Due Process Principles

21. Section 2241 of 28 United States Code provides in relevant part that "[w]rits of habeas corpus may be granted by . . . the district courts within their respective jurisdictions" when a

petitioner "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(a), (c)(3); *see also I.N.S. v. St. Cyr*, 533 U.S. 289, 305 (2001).

22. District courts grant writs of habeas corpus to those who demonstrate their custody violates the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3).

23. Habeas corpus "entitles [a] prisoner to a meaningful opportunity to demonstrate that he is being held pursuant to 'the erroneous application or interpretation' of relevant law." *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (quoting, *St. Cyr*, 533 U.S. at 302).

24. The Fifth Amendment's Due Process Clause protects the right of all persons to be free from "depriv[ation] of life, liberty, or property, without due process of law." U.S. Const. amend. V.

25. "It is well established that the Fifth Amendment entitles aliens to due process of law[.]" *Trump v. J. G. G.*, 604 U.S. 670, 673 (2025) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

26. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

B. Legal Framework of Removal Proceedings

27. Section 240 removal proceedings provide non-citizens with an opportunity to be heard in full immigration court hearings before an Immigration Judge. 8 U.S.C. § 1229a sets out the procedures and rights afforded to non-citizens in Section 240 removal proceedings. These include: "the privilege of being represented . . . by counsel of the alien's choosing who is authorized to practice in such proceedings" 8 U.S.C. § 1229a(4)(A) and "a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien's own behalf, and to cross-examine witnesses presented by the Government." 8 U.S.C. § 1229a(4)(B).

28. Decisions made by "Immigration Judges may be appealed to the Board of Immigration Appeals." 8 C.F.R. § 1003.38(a). Final orders of removal may be appealed to the Federal Court of

Appeals for the judicial circuit in which the respective Section 240 proceedings terminate. *See* 8 U.S.C. § 1252.

29. The statutorily guaranteed procedures and rights in Section 240 proceedings are significantly more expansive than those available to non-citizens designated for expedited removal under 8 U.S.C. § 1225.

30. Traditionally, non-arriving noncitizens living in the United States were only subject to removal proceedings under 8 U.S.C. § 1229a, not the fast-track expedited removal process under § 1225.

31. Unlike Section 240 proceedings, expedited removal is a process that begins—and often concludes—outside of immigration court. Non-citizens subjected to expedited removal are ordered removed by an immigration officer "without further hearing or review." 8 U.S.C. § 1225(b)(1)(A)(i).

C. Detention Authority

32. The INA prescribes three basic mechanisms for detention for non-citizens, 8 U.S.C. § 1225, for arriving aliens and applicants for admission, § 1226 the default detention statute, and § 1231 for post–final order detention.

33. Section 1225 applies to aliens who are applicants for admission to the United States. Section 1225(b)(2) governs the detention of an "alien who is an applicant for admission [who is] not clearly and beyond a doubt entitled to be admitted." *See* 8 U.S.C. § 1225(b)(2).

34. Section 1226 governs the detention of noncitizens "already in the country pending the outcome of removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018); *see also id.* at 288, (explaining that, "once inside the United States . . . an alien present in the country may still be removed" under "Section 1226" (emphasis added)).

35. Mr. Vega Sanchez fits within this category – he has been in the United States for 25 years and is already taking part in the judicial immigration process before the New York Immigration Court.

36. Section 1226 distinguishes between "two different categories" of detention under the statute. *Id.* at 288.

37. The first category is "a discretionary detention framework" established by Section 1226(a). *Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 WL 2371588, at *3 (S.D.N.Y. Aug. 13, 2025). Section 1226(a) provides that, for a noncitizen who is "arrested and detained" "[o]n a warrant issued by the Attorney General," the Attorney General: (1) "may continue to detain" arrested noncitizen; (2) "may release" the noncitizen on "bond"; or (3) "may release" the noncitizen on "conditional parole." 8 U.S.C. § 1226(a)(1)–(2).

38. The second category is a mandatory detention framework established by Section 1226(c), which "carves out a statutory category of [noncitizens] who may not be released" on bond or conditional parole pending the conclusion of removal proceedings. *Jennings*, 583 U.S. at 289 (emphasis in original). Specifically, Section 1226(c) provides that the "Attorney General shall take into custody any alien" who falls into one of five enumerated categories involving criminal offenses and terrorist activities. 8 U.S.C. § 1226(c)(1).

39. The detention provisions at § 1226(a) and § 1225(b)(2) were both enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208. Div. C, §§ 302-03, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

40. Following the enactment of the IIRIRA, the U.S. Department of Justice's Executive Office of Immigration Review ("EOIR") drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formed referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

41. Thus, the INA distinguishes between non-citizens seeking entry into the United States and those "already in the country." *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

42. In the decades that followed, most people who entered without inspection and were thereafter detained and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an Immigration Judge ("IJ"), unless their criminal history rendered them ineligible.

43. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); *see* also H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

44. But, Mr. Vega Sanchez is being detained pursuant to Section 1226, he is being detained pursuant to Section 1225.

45. Section 1225(b) provides for mandatory detention of non-citizens subject to its provisions—that is, a non-citizen "arriving in the United States" who seeks to apply for admission. Applicants who indicate a fear of persecution if returned to their country of origin "shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed." § 1225(b)(1)(B)(iii)(IV). Applicants who do demonstrate a credible fear "shall be detained for further consideration of the application for asylum." § 1225(b)(1)(B)(ii). Detention is "mandate[d] . . . throughout the completion of applicable proceedings and not just until the moment those proceedings begin." *Jennings*, 583 U.S. at 302. Under this statute, applicants are not entitled to a bond hearing. *See id.* at 301.

46. Section 1225(b) applies to a non-citizen who is arriving in the United States or a port of entry may be placed into expedited removal proceedings if the Department of Homeland Security determines that they are inadmissible under §§ 212(a)(6)(C), fraud or misrepresentation, or 212(a)(7), lack of valid entry document and the non-citizen is either arriving in the United States, has not been admitted or paroled into the United States, and cannot show that they have been continuously present in the United States for two years. *See* 8 U.S.C. § 1225(b)(1)(A)(iii)(II).

47. DHS's authority to parole individuals detained under 8 U.S.C. § 1225(b)(1) is preserved by the general parole statute at 8 U.S.C. § 1182(d)(5)(A). Even though § 1225(b)(1)(B)(ii) states that individuals who have been found to have a credible fear of persecution "shall be detained for further consideration of the application for asylum," Congress has never repealed or displaced DHS's long-standing discretionary authority to "parole into the United States temporarily under such conditions as [it] may prescribe on a case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A). The implementing regulations likewise recognize that noncitizens "who are arriving aliens or certain other aliens described in section

235(b)(1) of the Act" may be considered for parole on a case-by-case basis under these standards. *See* 8 C.F.R. § 212.5(b), (c). Thus, even for individuals subject to § 1225(b)(1), DHS retains—and routinely exercises—parole authority where urgent humanitarian concerns or significant public benefit justify release, and nothing in Matter of M-S-, 27 I&N Dec. 509 (A.G. 2019), eliminates or restricts that statutory parole power.

D. Arrest

48. To protect against arbitrary detention and to ensure the right to liberty, due process requires "adequate procedural protections" that test whether the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). (citation modified).

49. Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk before the revocation of an individual's freedom. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law is the opportunity to be heard . . . at a meaningful time in a meaningful manner." (citation modified)); *see also, e.g., Morrissey v. Brewer*, 408 U.S. 471, 485(1972). (requiring "preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions" and that such determination be made "by someone not directly involved in the case" (citation modified)).

50. This derives from fundamental constitutional principles enshrined in the Due Process Clause of the Fifth Amendment. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. And those due process protections extend to "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful,

unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693).

51. The touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective," *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). Due process requires that all forms of civil detention—including immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972).

52. The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at immigration proceedings (or, in the case of a removal order, at removal); and preventing danger to the community. *Zadvydas*, 533 U.S. at 690-92; *see Demore v. Kim*, 538 U.S. 510, 519-20, 527–28, 531 (2003). It has also held that, in general, these purposes may not be assessed on a blanket or categorical basis. Instead, immigration custody decisions generally must be based on an "individualized determination" of flight risk and danger to the community. *See INS v. Nat'l Ctr. for Immigrants' Rts., Inc.*, 502 U.S. 183, 194 (1991); *see also Zadvydas*, 533 U.S. at 690; *R.I.L-R v. Johnson*, 80 F. Supp. 3d 164, 188 (D.D.C. 2015).

53. Noncitizens living in the United States have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And, "[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

54. Thus, if 8 U.S.C. § 1226(b) were construed as allowing ICE to arrest noncitizens for no reason and detain them *ad infinitum* with not prospect of release, it would raise serious constitutional questions under both the Fourth Amendment and the Due Process Clause.

STATEMENT OF FACTS

55. Mr. Vega Sanchez, is a 45-year-old citizen and national of Mexico. He last entered the United States in December 2000.

56. Subsequent to his entry into the United States he moved to Brooklyn, New York, where he was living with his wife and three children.

57. Mr. Vega Sanchez has three U.S. citizen children, all born in New York: Nico Vega-Varela born in 2003; Nikol Vega-Varela born in 2005; and A [redacted] born in 2008. *See* Exhibit E attached to this Petition.

58. On August 2, 2015, Mr. Vega Sanchez married Maria Teresa Varela Jurado, the mother of all three of his children, in New York. They remain married and their cases were consolidated in New York. *See* Exhibit F attached to this Petition.

59. On or about November 18, 2016, Mr. Vega Sanchez filed for asylum, through Form I-589 with the assistance of an attorney. Based on information and belief, this lawyer failed to properly handle Mr. Vega Sanchez's case and was subsequently arrested for immigration fraud. *See* Exhibit G attached to this Petition.

60. Mr. Vega Sanchez applied for and was issued a work authorization by USCIS. *See* Exhibit H attached to this Petition.

61. Mr. Vega Sanchez is the owner of a carpentry business, that was established in 2021. *See* Exhibit B attached to this Petition, Personal Statement of Nikol Vega Varela.

62. After the discovery that their prior lawyer was engaged in fraud, Mr. Vega Sanchez and his wife hired a new lawyer to prepare and file EOIR42B, Cancellation of Removal for certain non-permanent residents who have lived in the U.S. for over 10 years.

63. On or about Sunday, November 23, 2025, Mr. Vega Sanchez was on his way to work. Specifically, he was on his way to meet his nephew to be driven to a job site.

64. Mr. Vega Sanchez' nephew called to let Mr. Vega Sanchez know that he and others were waiting for Mr. Vega Sanchez several blocks away in a car. Accordingly, Mr. Vega Sanchez began to jog towards the corner his nephew was waiting at so as not to delay their departure. ,

65. Mr. Vega Sanchez was stopped by between four and six men. These men did not identify themselves.

66. These unidentified men, who turned out to be ICE agents, demanded to see Mr. Vega Sanchez's identification.

67. Mr. Vega Sanchez, who has no criminal record, felt that he was not free to leave and presented his identification to the ICE agents.

68. The ICE agents arrested Mr. Vega Sanchez and then took him into custody.

69. The ICE agents told Mr. Vega Sanchez he was being detained because he was running and looked "suspicious."

70. Once Mr. Vega Sanchez was detained, he discovered that the second lawyer he hired to file his Application for Cancellation did not in fact file it with the immigration court.

71. Prior to being detained by ICE on November 23, 2025, and since his last arrival in the United States in 2000, Mr. Vega Sanchez had never been arrested or detained.

72. Mr. Vega Sanchez remains detained at the Broward Transitional Center, 3900 N. Powerline Road, Pompano Beach, FL 33073, thousands of miles away from his wife and children who reside in New York. *See* Exhibit A attached to this Petition

73. Through this petition, Mr. Vega Sanchez asks this Court to find that Respondents have deprived him of his due process rights by detaining him and have violated the INA by detaining him without the possibility of a bond hearing under 8 U.S.C. 1226(a). Mr. Vega Sanchez seeks immediate release from custody, and an Order to Show Cause within three days as to why the government is detaining him.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution (Substantive Due Process); 5 U.S.C. §§ 702, 706

74. Mr. Vega Sanchez restates and realleges all paragraphs as if fully set forth here.

75. Mr. Vega Sanchez had been continuously living in the United States for almost twenty-five years when he was unlawfully arrested and unlawfully detained. Accordingly, Mr. Vega Sanchez is being detained in violation of his Constitutional right to Due Process under the Fifth Amendment.

76. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V.

77. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

78. Immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690).

79. The Due Process Clause requires that any deprivation of Mr. Vega Sanchez' liberty be narrowly tailored to serve a compelling government interest. *See Flores*, 507 U.S. at 301-02 (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest"); *Demore*, 538 U.S. at 528 (applying less rigorous standard for "deportable aliens").

80. The Due Process Clause also "includes protection against unlawful or arbitrary personal restraint or detention." *Zadvydas*, 533 U.S. at 718 (2001) (Kennedy, J., dissenting).

81. Mr. Vega Sanchez' ongoing imprisonment does not satisfy this rigorous standard; he has committed no crime and has a pending asylum case.

SECOND CLAIM FOR RELIEF

Violation of 8 U.S.C. §§ 1226(a), 1225(b),

82. Mr. Vega Sanchez restates and realleges all paragraphs as if fully set forth here.

83. At the time of Mr. Vega Sanchez' arrest in November 2025, he had been living in the United States for 25 years, and was arrested in the interior. Therefore, Mr. Vega Sanchez was not subject to detention pursuant to § 1225(b), and any custody must proceed, if at all, under § 1226(a).

Wherefore, Mr. Vega Sanchez respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Order Respondents to Show Cause why this Petition should not be granted within seventy-two hours;

3. Declare that Mr. Vega Sanchez' detention is unlawful;
4. Issue an Order preventing Respondent from removing Mr. Vega Sanchez from the United States without notice and an opportunity to be heard;
5. Declare that Mr. Vega Sanchez' detention violates the Due Process Clause of the Fifth Amendment.
6. Issue a Writ of Habeas Corpus ordering Respondents to release Mr. Vega Sanchez immediately;
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
8. Grant any further relief this Court deems just and proper.

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