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(Pro Hac Vice Application Forthcoming)

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Benjamin CIFUENTES PARADA,

Petitioner,

v.

Francisco VENEGAS, in his official capacity as
Warden of the El Valle Detention Facility;
Todd LYONS, in his official capacity as Acting
Director of Immigration and Customs
Enforcement; Kristi NOEM, in her official
capacity as Secretary of the Department of
Homeland Security; Pamela BONDI, in her
official capacity as U.S. Attorney General; and
Daren MARGOLIN, in his official capacity as
Director of the Executive Office for
Immigration Review.

Respondents.

Case No. 1:25-cv-00370

HEARING REQUESTED

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

INTRODUCTION

1. Petitioner Benjamin Cifuentes Parada (A [REDACTED]) is a native and citizen of Mexico who has resided in the United States since around 2005 after entering without inspection. Around November 26, 2025, he was apprehended by immigration officials in Texas while traveling there for work. U.S. Immigration and Customs Enforcement (“ICE”) detained Mr. Cifuentes Parada and later transferred him to the El Valle Detention Facility in Raymondville, Texas.

2. DHS has determined that Mr. Cifuentes Parada is detained under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), pursuant to a July 2025 DHS policy and the BIA’s decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Under this interpretation, Immigration Judges are stripped of jurisdiction to conduct custody redeterminations, and individuals like Mr. Cifuentes Parada are categorically denied bond hearings despite decades of contrary agency and judicial practice.

3. Mr. Cifuentes Parada’s detention under § 1225(b)(2)(A) violates the text and structure of the INA and its implementing regulations. Federal courts across the country have rejected DHS’s new interpretation of § 1225(b)(2) and have held that detention of people detained at the border and later released, as well as long-time residents apprehended in the interior years later, is governed by § 1226(a). These courts recognize that applying § 1225(b)(2) to such individual.

4. Most importantly, several judges in this Court have already determined that individuals like Mr. Cifuentes Parada are eligible for bond because they are detained pursuant to § 1226(a), and thus this Court ordered that immigration courts subject to this court’s jurisdiction hold bond hearings to determine whether such individuals are eligible for discretionary bond. *See Shi v. Lyons*, Case No. 1:25-cv-274, 2025 WL 3637288 (S.D. Tex. Dec. 12, 2025); *Buenrostro-Mendez v. Bondi*, Case No. H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025). *Padron Covarrubias*, Case No. 5:25-cv-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Ortega-Aguirre v. Noem*, Case No. 4:25-cv-04332, 2025 WL

3684697 (S.D. Tex. Oct. 10, 2025); *Mejia Juarez v. Bondi*, Case No. 4:25-cv-03937, 2025 WL 3684693 (S.D. Tex. Oct. 27, 2025); *Cruz Gutierrez v. Thompson*, Case No. 4:25-cv-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025); *Cardenas Perez v. Noem*, Case No. 1:25-cv-00181, 2025 WL 3684862 (S.D. Tex. Nov. 20, 2025); *Espinoza Andres v. Noem*, Case No. H-25-5128, 2025 WL 3458893 (S.D. Tex. Dec. 2, 2025); *but see Montoya Cabanas v. Bondi*, Case No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025).

5. Mr. Cifuentes Parada also falls within the Bond Eligible Class in the U.S. District Court for the Central District of California's holding in the class action lawsuit in *Maldonado Baustista v. Santacruz*, 5:25-cv-01873, (C.D. Cal. Nov. 25, 2025). That class includes all individuals 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. *Id.* That order extended a grant of summary judgment to the Petitioners in that case to the entire Bond Eligible Class as a whole, finding that such individuals are detained pursuant to 8 U.S.C. § 1226 and therefore eligible for bond. *Id.* The district court then entered final judgment on December 18, 2025. *Maldonado Bautista v. Noem*, 5:25-cv-01873, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

6. Mr. Cifuentes Parada respectfully requests that this Court: (a) declare that his detention is governed by § 1226(a) and that he is therefore eligible for bond; (b) order Respondent to provide him with an immediate bond hearing before an Immigration Judge applying § 1226(a); and (c) if Respondent fails to provide such a hearing within a reasonable time, order his release from custody under appropriate conditions of supervision.

JURISDICTION AND VENUE

7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the El Valle Detention Facility in Raymondville, Texas.

8. This Court has jurisdiction under 28 U.S.C. § 2241 (*habeas corpus*), 28 U.S.C. § 1331 (*federal question*), 28 U.S.C. § 1651 (*All Writs Act*), 28 U.S.C. §§ 2201–2202 (*Declaratory Judgment Act*), 5 U.S.C. § 702 (*APA*), and Article I, Section 9, Clause 2 of the United States Constitution (*Suspension Clause*). Mr. Cifuentes Parada is presently in custody under color of the authority of the United States and challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

9. Federal district courts have jurisdiction under § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). The Supreme Court has repeatedly upheld such jurisdiction, most recently in *Jennings v. Rodriguez*, 583 U.S. 281, 292–96 (2018).

10. Venue is proper in the Southern District of Texas, Brownsville Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d), because Petitioner is detained within this District at the El Valle Detention Facility.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

12. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

13. Petitioner Alfredo Cifuentes Parada is a native and citizen of Mexico unlawfully detained at the El Valle Detention Facility in Raymondville, Texas. He has two U.S. citizen children. Petitioner’s immigration court case was administratively closed on December 11, 2015. Under DHS’s July 2025 policy and the BIA’s decision in *Matter of Yajure Hurtado*, Immigration Judges no longer have jurisdiction to redetermine custody for individuals like Mr. Cifuentes Parada. As a result, he has been categorically denied access to a bond hearing.

14. Respondent Francisco Venegas is the Warden of the El Valle Detention Facility controls the detention center where Petitioner is currently detained under the authority of ICE. As such, he has direct control over Petitioner and is his immediate physical custodian. He is sued in his official capacity.

15. Respondent Todd Lyons is the Acting Director of ICE. He is responsible for the overall administration of ICE and for the implementation and enforcement of the immigration

laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). DHS is responsible for the administration of ICE, a component agency, and for the implementation and enforcement of the immigration laws. As such, Secretary Noem is a legal custodian of Petitioner. She is sued in her official capacity.

17. Respondent Pamela Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals (BIA) and the Immigration Courts. The Attorney General shares responsibility for the implementation and enforcement of the immigration laws with Respondents Lyons and Noem. Attorney General Bondi is a legal custodian of Petitioner and is sued in her official capacity.

18. Respondent Daren Margolin is the Director of the Executive Office for Immigration Review (EOIR). He has ultimate responsibility for overseeing the operation of the immigration courts and the BIA, including the conduct of bond hearings. Director Margolin is sued in his official capacity.

FACTS

19. Petitioner Alfredo Cifuentes Parada is a native and citizen of Mexico unlawfully detained at the El Valle Detention Facility in Raymondville, Texas. ICE has held him in custody since around November 26, 2025. He has been present in the country since around 2005.

20. Mr. Cifuentes Parada has never been convicted of any crime that would subject him to mandatory detention under INA § 1226(c). He is not subject to a final order of removal.

21. Historically, individuals like Mr. Cifuentes Parada were detained under INA § 236(a), 8 U.S.C. § 1226(a), which provides for release on bond or conditional parole. After the

BIA's decision in *Matter of Q. Li*, however, any noncitizen detained at the United States border after entering without inspection was an "applicant for admission" under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and deemed ineligible for bond. This was later extended to anyone who entered without inspection, regardless of whether they were detained at the border or hundreds of miles from the border and regardless of whether they were first apprehended decades from their initial entry in *Matter of Yajure Hurtado*.

22. As a result of this policy and decision, Immigration Judges lack jurisdiction to conduct custody redeterminations for individuals like Mr. Cifuentes Parada. He has been categorically denied the opportunity to seek bond, despite his strong community ties.

23. Federal district courts across the country, like this one, have rejected *Matter of Q. Li*'s and *Matter of Yajure Hurtado*'s mandate of § 1225(b)(2) for individuals like Mr. Cifuentes Parada, finding instead that detention of individuals like him is under § 1226(a). Nonetheless, ICE continues to hold him without access to a bond hearing.

LEGAL FRAMEWORK

24. Under 8 U.S.C. § 1226(a), individuals are generally entitled to discretionary bond determinations when detained. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). Certain noncitizens who are arrested, charged with, or convicted of specified crimes are subject to mandatory detention until removal proceedings are concluded under 8 U.S.C. § 1226(c).

25. By contrast, 8 U.S.C. § 1225(b) applies to noncitizens encountered at the border. According to that provision, "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained." 8 U.S.C. § 1225(b)(2)(A). Thus, unless the noncitizen is paroled into the country under 8 U.S.C. § 1182(d)(5)(A) for "urgent

humanitarian reasons or significant public benefit,” such an individual is subject to mandatory detention and is ineligible for release on bond. *Jennings*, 583 U.S. at 288.

26. The U.S. Supreme Court has recognized that while “U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (2),” “[i]t also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Id.* at 289.

27. Following enactment of these statutes, EOIR issued regulations clarifying that individuals who entered the country without inspection but who were apprehended in the interior were not detained under § 1225, but instead 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...will be eligible for bond and bond redetermination.”). For nearly three decades, this was the consistent practice.

28. In *Matter of Q. Li*, the BIA upended years of precedent and understanding of which noncitizens were considered detained under § 1225 versus § 1226. In that case, the noncitizen was arrested and detained under § 1225 at the border and was subsequently paroled into the United States. 29 I. & N. Dec. at 66. She was subsequently re-detained and denied bond because she was deemed to be an “applicant for admission” under § 1225, and her parole, which is the only exception to mandatory detention under § 1225, was later revoked when she was served with a Notice to Appear, thus returning her to her status under § 1225. *Id.*

29. In July 2025, DHS abruptly adopted a new interpretation expanding on *Q. Li* and requiring detention under § 1225(b)(2)(A) for all noncitizens charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). On September 5, 2025, the BIA issued *Yajure Hurtado*, 29 I&N

Dec. 216, adopting DHS's view and holding that all noncitizens present in the United States without admission are "applicants for admission" subject to mandatory detention under § 1225(b)(2)(A). As a result, any individual who entered the country without inspection is ineligible for bond.

30. This Court has already rejected this interpretation, finding instead that individuals like Mr. Cifuentes Parada are eligible for bond because they are detained pursuant to § 1226(a) and therefore eligible for release on discretionary bond. *See Shi v. Lyons*, Case No. 1:25-cv-274, 2025 WL 3637288 (S.D. Tex. Dec. 12, 2025); *Buenrostro-Mendez v. Bondi*, Case No. H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025). *Padron Covarrubias*, Case No. 5:25-cv-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Ortega-Aguirre v. Noem*, Case No. 4:25-cv-04332, 2025 WL 3684697 (S.D. Tex. Oct. 10, 2025); *Mejia Juarez v. Bondi*, Case No. 4:25-cv-03937, 2025 WL 3684693 (S.D. Tex. Oct. 27, 2025); *Cruz Gutierrez v. Thompson*, Case No. 4:25-cv-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025); *Cardenas Perez v. Noem*, Case No. 1:25-cv-00181, 2025 WL 3684862 (S.D. Tex. Nov. 20, 2025); *Espinoza Andres v. Noem*, Case No. H-25-5128, 2025 WL 3458893 (S.D. Tex. Dec. 2, 2025); *but see Montoya Cabanas v. Bondi*, Case No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025).

31. Over 300 district courts have also rejected this position and have granted habeas petitions for petitioners like Mr. Cifuentes Parada. *See, e.g., Rodriguez Vazquez v. Bostock*, Civ. No. 3:25-cv-05240, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, Civ. No. 1:25-cv-11571, 2025 WL 1869299 (D. Mass. July 7, 2025), *Garcia v. Hyde*, Civ. No. 25-11513 (D. Mass. July 14, 2025); *Rosado v. Bondi*, Civ. No. 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Lopez-Benitez v. Francis*, Civ. No. 25-5937, 2025 WL 2371588, ---F. Supp.3d (S.D.N.Y. Aug. 13, 2025); *Dos Santos v. Lyons*, Civ. No. 1:25-cv-12052, 2025 WL 2370988 (D. Mass. Aug. 14,

2025); *Aguilar Maldonado v. Olson*, Civ. No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Escalante v. Bondi*, Civ. No. 25-cv-3051, 2025 WL 2212104 (D. Minn. July 31, 2025); *O.E. v. Bondi*, Civ. No. 25-cv-3051, 2025 WL 2235056 (D. Minn. Aug. 3, 2025); *Arrazola-Gonzalez v. Noem*, Civ. No. 5:25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Garcia Jimenez v. Kramer*, Civ. No. 25-cv-3162, 2025 WL 2374223 (D. Neb. Aug. 15, 2025); *Mayo Anicasio v. Kramer*, Civ. No. 4:25-cv-3158, 2025 WL 2374224 (D. Neb. Aug 14, 2025); *Rodriguez de Oliveira v. Joyce*, Civ. No. 2:25-cv-00291, 2025 WL 1826118 (D. Me. July 2, 2025); *Leal-Hernandez v. Noem*, Civ. No. 1:25-cv-02428, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez-Campos*, Civ. No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Romero v. Hyde*, Civ. No. 25-11631, --- F. Supp. 3d , 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Doe v. Moniz*, Civ. No. 1:25-cv-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Herrera Torralba*, 1:25-cv-02677, 2025 WL 2652990 (D. Colo. Sept. 16, 2026); *Jimenez v. Warden*, Civ. No. 25-cv-326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Cuevas Guzman v. Andrews*, Civ. No. 1:25-cv-01015, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Velasquez Salazar v. Dedos*, Civ. No. 1:25-cv-00835, 2025 WL 2676729 (D.N.M. Sept., 17, 2025); *Hasan v. Crawford*, 1:25-cv-1408, 2025 WL 2682255 (E.D. Va., Sept. 19, 2025);); *Singh v. Lewis*, Civ. No. 4:25-cv-96, 2025 WL 2699219 (W.D.Ky., Sept. 22, 2025); *Beltran Barrera v. Tindall*, Civ. No. 3:25-cv-541, 2025 WL 2690565 (W.D.Ky., Sept. 19, 2025); *Chogllo Chafila v. Scott*, 2025 WL 2688541, (D.Me., Sept. 21, 2025); *Chiliquinga Yumbillo v. Stamper*, Civ. No. 2:25-cv-00479 (D.Me., Sept. 19, 2025).

32. The government's interpretation defies the INA's text and structure. Section 1226(a) explicitly applies to individuals charged as inadmissible after entry without inspection. Congress reinforced this point in 2025 by amending § 1226(c) through the Laken Riley Act to

exclude from bond eligibility certain noncitizens who entered without inspection and committed crimes. If Congress had intended all such individuals to be subject to mandatory detention under § 1225(b)(2)(A), it would not have needed to create these specific carve-outs. Construing § 1225(b)(2)(A) as the government suggests renders § 1226(c)(1)(E) superfluous, in violation of the canon against surplusage. *See Corley v. United States*, 556 U.S. 303 (2009).

33. Therefore, the mandatory detention provisions of § 1225(b)(2) do not apply to Mr. Cifuentes Parada who was apprehended within the United States years after his initial entry and thousands of miles from the border. He is detained under § 1226(a) and is eligible for a bond hearing.

34. On November 20, 2025, a district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *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) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment). The district court entered final judgment in favor of the Petitioners on December 18, 2025. *Maldonado Bautista v. Noem*, 5:25-cv-01873, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

35. The declaratory judgment held that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

36. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class

CLAIMS FOR RELIEF

COUNT I

Violation of 8 U.S.C. § 1226(a): Unlawful Denial of Release on Bond

37. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

38. The mandatory detention provision of § 1225(b)(2) does not apply to noncitizens like Mr. Cifuentes Parada who were apprehended inside the United States years after their initial entry. Such individuals are detained under § 1226(a) and are eligible for release on bond, as this Court has already found.

39. Respondent’s decision to detain Mr. Cifuentes Parada under § 1225(b)(2)(A) unlawfully denies him access to a bond hearing in violation of the INA.

COUNT II

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19

40. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

41. For decades, both Congress and the agencies charged with implementing the INA have recognized that individuals who were detained after entering without inspection are detained under § 1226(a) and eligible for bond, as reflected in implementing regulations at 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

42. Despite this clear regulatory framework, Respondent has unlawfully detained Mr. Cifuentes Parada by misapplying § 1225(b)(2).

43. Because Petitioner's detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires, including access to a bond hearing, his continued detention violates the INA, its implementing regulations, and the Due Process Clause of the Fifth Amendment.

COUNT III

Violation of the Fifth Amendment Due Process

44. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

45. Under the Fifth Amendment of the Constitution, no person shall be deprived of liberty without due process of law. Freedom from imprisonment and government custody lies at the core of the liberty protected by the Due Process Clause. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The protections of the Due Process Clause extend to all persons within the United States, regardless of immigration status. *Id.* at 693.

46. Respondent's detention of Mr. Cifuentes Parada under § 1225(b)(2), without the possibility of release on bond or a meaningful custody redetermination, violates his right to due process under the Fifth Amendment.

COUNT IV

Violation of *Maldonado Bautista*

47. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

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

49. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

50. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen 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.”

51. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

52. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1226(b)(2), Respondents violate the Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondent to show cause why the writ should not be granted within **three days**, pursuant to 28 U.S.C. § 2243;
3. Grant a writ of habeas corpus declaring that Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), and ordering Respondent to provide him with an immediate bond hearing before an Immigration Judge applying § 1226(a);
4. In the alternative, order Petitioner's immediate release from custody under reasonable conditions of supervision if Respondent fails to provide such a bond hearing within a reasonable period of time;
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
6. In the event the Court determines a genuine dispute of material fact exists regarding Petitioner's entitlement to habeas relief, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243;
7. Enter preliminary and permanent injunctive relief enjoining Respondent from further unlawful detention of Petitioner;
8. Declare that Petitioner's detention violates the INA;
9. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
10. 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
11. Grant any other and further relief that this Court deems just and proper.

Dated: December 31, 2025

Respectfully submitted,

/s/ Brian Scott Green

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VERIFICATION

I, Brian Scott Green, counsel for Petitioner hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this petition are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioner.

Dated: December 31, 2025

Respectfully submitted,

/s/Brian Scott Green

Brian Scott Green