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Attorney for Petitioner

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DANIEL DIAZ-HERNANDEZ

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Petitioner,

v.

Civil Action No. 3:26-CV-00021

**FIELD OFFICE DIRECTOR,
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
PHILADELPHIA FIELD OFFICE, and**

**WARDEN, MOSHANNON VALLEY ICE
PROCESSING CENTER,**

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner Daniel Diaz-Hernandez is a civil immigration detainee currently confined at Moshannon Valley ICE Processing Center in Philipsburg, Pennsylvania. ICE continues to detain

Petitioner **despite the fact that his Immigration Court case has been CLOSED due to the Department of Homeland Security's failure to prosecute, leaving no pending removal proceedings, no bond eligibility, and no forum to challenge custody.**

According to the Executive Office for Immigration Review's official Automated Case Information system, the Immigration Judge **closed Petitioner's case for failure to prosecute**, no future hearings are scheduled, and **no appeal was taken by DHS**. Nevertheless, ICE continues to detain Petitioner indefinitely.

ICE's continued detention under these circumstances is **unsupported by statute, arbitrary in purpose, and unconstitutional**, in violation of the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment. Habeas relief is therefore required.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in federal custody within this District.
2. Federal courts retain habeas jurisdiction over challenges to the **fact and duration of immigration detention**. *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001).
3. Venue is proper in the **Middle District of Pennsylvania** because Petitioner is detained at Moshannon Valley ICE Processing Center. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

III. PARTIES

4. Petitioner Daniel Diaz-Hernandez is a noncitizen detained by U.S. Immigration and Customs Enforcement.
 5. Respondents are Petitioner's immediate custodian and the ICE official with legal authority over his detention.
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IV. FACTUAL BACKGROUND

6. Petitioner was stopped and arrested on **Sunday, December 21, 2025**, a non-business day.
7. Due to known system and processing delays, Petitioner did not appear in ICE databases, EOIR systems, or the detainee locator until **Monday afternoon, December 22, 2025**.
8. **Counsel was retained by Tuesday, December 23, 2025**, and immediately undertook efforts to determine Petitioner's custody basis and procedural posture.
9. Counsel's ability to obtain information and initiate litigation was materially obstructed by **federal holiday closures on Wednesday, December 24, 2025 (Christmas Eve) and Thursday, December 25, 2025 (Christmas Day)**.
10. Despite these barriers, counsel acted diligently by:
 - Sending multiple written notices and requests to ICE seeking confirmation of custody authority, existence of a removal hold, and the status of any Notice to Appear;
 - Requesting Records of Proceedings ("ROP") materials;
 - Obtaining Petitioner's A-number;
 - Making repeated telephone calls to Northern Regional Jail, Pittsburgh intake and ERO contacts, and the Philadelphia ICE Field Office.
11. On or about **January 6, 2026**, EOIR's official Automated Case Information system confirmed that the Immigration Judge **CLOSED Petitioner's Immigration Court case**

due to DHS's failure to prosecute, that no future hearings are scheduled, and that no appeal was filed by DHS.

12. As a result, there is **no pending removal proceeding and no Immigration Judge with jurisdiction** over Petitioner.
13. ICE nevertheless continues to detain Petitioner without bond, without proceedings, and without any lawful adjudicatory mechanism.

V. GROUNDS FOR RELIEF

COUNT I

DETENTION WITHOUT STATUTORY AUTHORITY

(8 U.S.C. § 1226; Fifth Amendment)

14. ICE's civil detention authority under **8 U.S.C. § 1226** exists solely to ensure attendance at **ongoing removal proceedings**.
15. Where DHS fails to prosecute and an Immigration Judge closes the case, continued detention is no longer tethered to any statutory purpose.
16. Detention without statutory authorization violates due process. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

COUNT II

DUE PROCESS VIOLATION – UNREASONABLE AND UNTETHERED DETENTION

17. The Third Circuit has held that immigration detention is constitutional **only so long as it remains reasonable in duration and meaningfully related to its purpose.**
 18. In **Diop v. ICE/Homeland Security**, the Court held that detention under § 1226 is permissible only for a reasonable period and that **due process requires individualized review once detention becomes unreasonable.** 656 F.3d 221, 232–33 (3d Cir. 2011).
 19. The Third Circuit reaffirmed this principle in **Chavez-Alvarez v. Warden York County Prison**, holding that prolonged detention without a bond hearing violates due process even where detention was initially authorized by statute. 783 F.3d 469, 475–78 (3d Cir. 2015).
 20. Petitioner’s detention is more constitutionally infirm than in *Diop* or *Chavez-Alvarez* because DHS has **abandoned prosecution entirely**, resulting in **case closure** and leaving Petitioner with **no adjudicator and no custody forum.**
 21. Detention that continues after the government fails to prosecute is neither reasonable nor related to any legitimate civil purpose and therefore violates due process.
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COUNT III

DENIAL OF MEANINGFUL CUSTODY REVIEW

22. Due process requires a meaningful opportunity to challenge continued detention.
Mathews v. Eldridge, 424 U.S. 319 (1976).
23. In **German Santos v. Warden Pike County Correctional Facility**, the Third Circuit held that once detention becomes unreasonably prolonged, due process requires a **bond hearing at which the Government bears the burden of justifying continued detention by clear and convincing evidence.** 965 F.3d 203, 210–11 (3d Cir. 2020).

24. Here, Petitioner has been denied even the threshold protections recognized in *German Santos* because DHS's failure to prosecute resulted in **case closure**, leaving Petitioner **without any Immigration Judge with jurisdiction to conduct a bond hearing**.
25. Detention without access to **any custody review mechanism** violates the most basic requirements of due process.
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COUNT IV

ARBITRARY AND PURPOSELESS CIVIL DETENTION

26. Civil detention must bear a reasonable relation to its non-punitive purpose. *Zadvydas*, 533 U.S. at 690.
27. The Third Circuit has emphasized that detention becomes unconstitutional when it is **arbitrary, indefinite, or untethered from actual progress toward removal**. *Diop*, 656 F.3d at 232.
28. Once DHS failed to prosecute and the Immigration Court closed Petitioner's case, detention ceased to serve any legitimate governmental objective.
29. Continued detention under these circumstances is arbitrary, purposeless, and unconstitutional.
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RELIEF REQUESTED

Petitioner respectfully requests that this Court:

- A. **Order Petitioner's immediate release from ICE custody;**
- B. Alternatively, issue a **conditional writ** requiring DHS to recommence proceedings within a date certain or release Petitioner;
- C. Enjoin Respondents from continued detention absent lawful proceedings and constitutionally adequate custody review;
- D. Grant such other and further relief as the Court deems just and proper

Respectfully submitted:

/s/

EVAN T.L. HUGHES, ESQ.

VERIFICATION

I, **Evan T. L. Hughes, Esq.**, certify that this Petition is filed in good faith and that the factual allegations are supported by official records and reasonable investigation and are made subject to penalties of perjury.

/s/

Date: January 6, 2026

Evan T. L. Hughes, Esq.

CERTIFICATE OF SERVICE

I certify that on this date, a true and correct copy of the foregoing Petition was served via CM/ECF and/or U.S. Mail upon the United States Attorney for the Middle District of Pennsylvania and the Office of Chief Counsel, U.S. Immigration and Customs Enforcement.

Date: January 6, 2026

/s/

Evan T. L. Hughes, Esq.