UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA FT. LAUDERDALE DIVISION

PEDRO FUENTES GRANADOS Petitioner v. WARDEN, BROWARD TRANSITIONAL CENTER DIRECTOR OF UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES ATTORNEY GENERAL FIELD OFFICE DIRECTOR FOR DETENTION AND REMOVAL, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT Defendants	Case No. 0:26cv60020 Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 DHS File No. [redacted]

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

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Constitutional Provisions

Statutes

PRELIMINARY STATEMENT

This petition challenges the unlawful detention of Petitioner Pedro Fuentes Granados ("Petitioner"), a 38-year-old native and citizen of El Salvador who has resided in the United States since approximately 2009. Petitioner is currently detained at the Broward Transitional Center in Pompano Beach, Florida. The Department of Homeland Security ("DHS") asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), notwithstanding Congress's separate detention framework in 8 U.S.C. § 1226(a), which governs interior arrests and provides for discretionary bond and Immigration Judge ("IJ") custody review.

DHS's position—recently advanced in Matter of Yajure-Hurtado, 29 I. & N. Dec. 216 (B.I.A. 2025)—contradicts the plain text of the Immigration and Nationality Act ("INA"), the canon against surplusage, longstanding administrative practice, and fundamental principles of due process. It collapses Congress's dual-track detention scheme by effectively reading INA § 236(a) out of the statute and imposing categorical detention on long-term residents like Mr. Fuentes Granados who were apprehended in the interior, present no danger to the community, and are not flight risks.

The human consequences of this unlawful detention are immediate and severe. Mr. Fuentes Granados is married to a United States citizen spouse and is the father of U.S. citizen children, for whom he has served as the primary breadwinner and source of emotional support. His continued detention has imposed significant hardship on his family, who depend on his presence for financial stability and daily care. Prior to detention, Petitioner maintained stable residence in Florida, strong family and community ties, and has no criminal history that would trigger mandatory detention under INA § 1226(c).

The Constitution, the INA, and basic principles of fairness do not permit Petitioner's continued detention without bond consideration. Petitioner therefore respectfully requests that this Court

grant the writ of habeas corpus and order his release or, at a minimum, a prompt custody redetermination hearing under INA § 236(a) before an Immigration Judge.

I. INTRODUCTION

1. This Petition seeks relief from the unlawful civil detention of Petitioner Pedro Fuentes Granados in violation of his constitutional and statutory rights.

2. Petitioner is currently detained by the Department of Homeland Security at the Broward Transitional Center in Pompano Beach, Florida, where he remains in civil immigration custody.

3. Petitioner has resided in the United States since approximately 2009. His continued detention constitutes a substantial deprivation of liberty and places significant hardship on his family, who rely on him for financial and emotional support.

4. Petitioner's detention is based on DHS's assertion that, because he entered the United States without inspection, he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Relying on Matter of Yajure-Hurtado, 29 I. & N. Dec. 216 (B.I.A. 2025), DHS has taken the position that the Immigration Court lacks jurisdiction to conduct a bond hearing. As a result, Petitioner has been denied access to bond consideration under 8 U.S.C. § 1226(a) despite being apprehended in the interior of the United States.

5. Petitioner is statutorily eligible for relief from removal, including cancellation of removal for non–permanent residents, as he has accrued more than ten years of continuous physical presence, has no statutory bars to relief, and his United States citizen spouse and children would suffer exceptional and extremely unusual hardship if he remains detained or is removed.

6. Petitioner respectfully requests that this Court grant the instant Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and enjoin Respondents' continued unlawful

detention. In the alternative, Petitioner respectfully requests that the Court order Respondents to show cause within three days why the writ should not be granted, pursuant to 28 U.S.C. § 2243, to ensure that Petitioner's due process rights are protected.

II. JURISDICTION AND VENUE

7. Petitioner is detained in civil immigration custody at Broward Transitional Center. See Exh. 1.

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq.

9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and where applicable Article I § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

10. Venue is proper in the Southern District of Florida under 28 U.S.C. § 1391, because at least one Respondent is in this District, Petitioner is detained in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. Venue is also proper under 28 U.S.C. § 2243 because the immediate custodians of Petitioner reside in this District.

III. PARTIES

11. Petitioner is a native and citizen of El Salvador, born on [redacted] He entered the United States in approximately February 2009 and has resided in the United States for over fifteen years.

12. Respondents are federal officials who exercise legal and physical custody over Petitioner, including the ICE Miami Field Office Director and the Facility Administrator of Broward Transitional Center.

IV. REQUIREMENTS OF 28 U.S.C. § 2243, WRIT OF HABEAS CORPUS ISSUANCE, RETURN, HEARING, AND DECISION

13. The Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within three days" unless this Court permits additional time for good cause, which is not to exceed twenty days. 28 U.S.C. § 2243.

14. 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). The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time. *Rhueark v. Wade*, 540 F.2d 1282, 1283 (5th Cir. 1976); *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978). Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justice

V. FACTUAL BACKGROUND

15. DHS arrested Petitioner following an interior encounter where he was hit by an unmarked police car while he was riding his bicycle.

16. Petitioner is not charged with any offense triggering mandatory detention under INA § 1226(c).

17. Petitioner is married to a United States citizen and is the father of two U.S. citizen children. He has longstanding family ties, stable residence, and significant equities in the United States.

18. On January 2, 2026, Petitioner's immigration counsel moved for a bond hearing supported by evidence of his long-standing residence, family ties, and lack of dangerousness. The immigration judge denied bond on finding that *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), remains in effect and that he did not have jurisdiction over the bond proceedings.

19. ICE's litigation stance reflects "interim guidance" issued July 8, 2025, reinterpreting detention authority to treat nearly all noncitizens present without admission as "arriving" and ineligible for bond. Lyons Memo, Interim Guidance Regarding Detention Authority for Applicants for Admission (July 8, 2025).

20. Once the immigration judge denies bond for lack of jurisdiction, Petitioners may pursue an administrative appeal to the Board of Immigration Appeals ("BIA"). BIA bond appeals typically take months, during which detention continues, rendering administrative review by the BIA as an inadequate and delaying remedy in these circumstances.

21. Petitioner's detention has inflicted severe hardship on his family as outlined above. Petitioner's ongoing detention severely impedes his ability to defend against removal, including gathering evidence and coordinating with counsel and witnesses.

22. Despite these facts, DHS continues to detain Petitioner without providing a bond hearing.

VI. LEGAL FRAMEWORK: DUE PROCESS CLAUSE

23. The Fifth Amendment's Due Process Clause applies to "all persons" within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint— lies at the heart of the liberty that the Clause protects." *Id.* at 690. In the immigration context, detention is constitutionally justified only to prevent flight or protect the community. *Demore v. Kim*, 538 U.S. 510, 528 (2003).

24. Congress created two distinct detention regimes. Section 235(b) governs inspection and limited mandatory detention of arriving aliens or those apprehended shortly after entry; § 236(a) governs interior arrests on warrant, authorizing detention pending a removal decision with discretionary release on bond. *See Jennings v. Rodriguez*, 583 U.S. 281, 297, 302–03 (2018) (describing § 235(b) as "primarily" for those seeking entry and § 236(a) as applying to aliens "already in the United States" and arrested "on warrant").

25. The Laken Riley Act confirms Congress preserved § 236(a)'s discretionary bond regime for most inadmissible entrants arrested in the interior by adding a narrow new mandatorydetention category under § 236(c)(1)(E) (pairing inadmissibility under 8 U.S.C. § 1182(a)(6)(A), (6)(C), or (7) with specified crimes). If § 235(b) already mandated detention for all inadmissible entrants, § 236(c)(1)(E) would be redundant—an outcome courts must avoid. *See Corley v. United States*, 556 U.S. 303, 314 (2009); *Van Buren v. United States*, 593 U.S. 374, 393 (2021). Congress legislated against decades of agency practice applying § 236(a) to interior arrests, and courts presume amendments harmonize with that practice. *Monsalvo v. Bondi*, 604 U.S. ___, 145 S. Ct. 1232, 1242 (2025).

26. On September 5, 2025, the BIA in *Matter of Yajure-Hurtado* adopted DHS's position that immigration judges lack bond jurisdiction for noncitizens present without admission because they are "applicants for admission" detained under § 235(b)(2)(A) for the duration of proceedings. 29 I. & N. Dec. at 220 (relying on *Jennings*, 583 U.S. at 300). But *Jennings* construed statutory text and explicitly left open constitutional challenges. Id. at 303. Moreover, the Supreme Court has since overruled Chevron deference; courts must independently interpret the INA rather than deferring to agency readings. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385–86 (2024).

27. Longstanding agency materials confirm that individuals encountered inside the country without admission were treated under § 236(a) and were "eligible for bond and bond redetermination." Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). DHS itself historically limited the "applicant for admission" designation to encounters within a short time and distance from the border. See *Dep't of Homeland Sec. v. Thuraissigiam, 591* U.S. 121, 130 n.2 (2020) (describing DHS's 2004 14-day/100-mile policy for expedited removal).

28. Arrest authority reinforces this divide: warrantless arrests are narrowly permitted under 8 U.S.C. § 1357(a) (INA § 287(a)); otherwise, interior arrests proceed on warrant (Form I200) and fall under § 236(a). *See Matter of Mariscal-Hernandez*, 28 I. & N. Dec. 666, 668– 71 (B.I.A. 2022) (equating "reason to believe" with probable cause; warrantless arrests are exceptional). Mr. Fuentes Granados interior arrest should have been (and, on information and belief, was) effectuated pursuant to an I-200 warrant—placing him squarely within § 236(a).

29. Statutes must be read "with a view to their place in the overall statutory scheme," giving effect to every clause and word. *Gundy v. United States*, 588 U.S. 128, 141 (2019) (quotation omitted); *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023). DHS's view collapses §§ 235 and 236, nullifies § 236(c)(1)(E), and contradicts the INA's structure.

30. Federal courts addressing DHS's new theory have rejected it and ordered relief, concluding § 236(a) governs noncitizens "already in the country."[1] Even under DHS's classification, constitutional avoidance and due process require meaningful review of whether mandatory detention actually applies (a Joseph-type inquiry), and courts must preserve habeas for unlawful detention. *See Jennings*, 583 U.S. at 303; *Clark v. Martinez*, 543 U.S. 371, 380– 82 (2005); *INS v. St. Cyr*, 533 U.S. 289, 314 (2001).

31. The equities here underscore the Mathews v. Eldridge balance: (1) Petitioner's profound liberty and family interests; (2) the high risk of erroneous deprivation from DHS's categorical no-bond stance (and the value of individualized hearings); and (3) minimal governmental burden to provide the longstanding process Congress preserved. *See* 424 U.S. 319, 333, 335 (1976).

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[1] 1 See, e.g., Martinez v. Hyde, No. CV 25-11613-BEM, 2025 WL 2084238, at *2, *6 (D. Mass. July 24, 2025); Lopez Benitez v. Francis, No. 25 Civ. 5937 (DEH), 2025 WL 2267803, at *4–7 (S.D.N.Y. Aug. 8, 2025); Gomes v. Hyde, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *4–7 (D. Mass. July 7, 2025); Rodriguez v. Bostock, No. 3:25-cv05240-TMC, 2025 WL 1193850, at *11–16 (W.D. Wash. Apr. 24, 2025); Pinchi v. Noem, No. 25-cv-05632-RMI, 2025 WL 1853763, at *3 (N.D. Cal. July 4, 2025); Valdez v. Joyce, No. 25-cv-4627, 2025 WL 1707737, at *5 (S.D.N.Y. June 18, 2025); Ercelik v. Hyde, No. 1:25-cv-11007-AK, 2025 WL 1361543, at *15–16 (D. Mass. May 8, 2025); Günaydin v. Trump, No. 25-cv-01151, 2025 WL 1459154, at *10–11 (D. Minn. May 21, 2025); CuevasGuzman v. Andrews, No. 1:25-cv-00759, 2025 WL 2617256, at *7 (E.D. Cal. Aug. 2025); Alvarez-Martinez v. Noem, No. 5:25-cv-00876, 2025 WL 2598379, at *4–5 (W.D. Tex. Aug. 2025); Pizarro Reyes v. Raycraft, No. 2:25-cv11641, 2025 WL 2609425, at *3 (E.D. Mich. Aug. 2025); Rosado v. Figueroa, No. 2:25-cv-02157-DLR, 2025 WL 2337099, at *5–7 (D. Ariz. Aug. 11, 2025); Dos Santos v. Noem, No. 1:25-cv-12052-JEK, 2025 WL 2370988, at *6– 8 (D. Mass. Aug. 14, 2025); Maldonado v. Olson, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411, at *4–6 (D. Minn. Aug. 15, 2025); Romero v. Hyde, No. 1:25-cv-11631-BEM, 2025 WL 2403827, at *3–5 (D. Mass. Aug. 19, 2025); Benitez v. Noem, No. 5:25-cv-02190-RGK-AS, slip op. at 3–5 (C.D. Cal. Aug. 26, 2025); Kostak v. Trump, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136, at *8–10 (W.D. La. Aug. 27, 2025).

32. On November 25, 2025, the U.S. District Court for the Central District of California in *Maldonado Bautista, Et. Al. v Noem*, 5:25-cv-01873, (C.D. Cal.) issued a nationwide class certification effectively rejecting *Matter of Yajure Hurtado* finding that section INA §236 and not INA §235(b)(2)(A) governs the detention of individuals such as in this matter. The Respondent is a member of this class, as he entered without inspection and was never apprehended at the border. See Exh 4, Pg. 15, Bond Eligible Class. 40.

33. Because Mr. Fuentes Granados was arrested in the interior and (on information and belief) under warrant authority, § 236(a) governs his detention. DHS's attempt to shoehorn him into § 235(b)(2) is contrary to the statutory text, structure, and constitutional principles. He is entitled to release or, at minimum, a prompt bond hearing before an IJ applying the correct legal standard

VII. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

34. Petitioner repeats and incorporates by reference all allegations above as though set forth fully herein.

35. The Due Process Clause asks whether the government's deprivation of a person's life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioner of his liberty.

36. Mr. Fuentes Granados' continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

37. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that "[n]o person shall…be deprived of life, liberty, or property without due process of law."

As a noncitizen who shows well over "two years" physical presence in the United States (indeed he has 15 years), Mr. Fuentes Granados is entitled to Due Process Clause protections against deprivation of liberty and property. *See Zadvydas*, 533 U.S. at 693 ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."). Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a "sufficiently strong special justification" to outweigh the significant deprivation of liberty. Id. at 690.

38. Respondents have deprived Mr. Fuentes Granados of his liberty interest protected by the Fifth Amendment by detaining him.

39. Mr. Fuentes Granados' detention is improper because he has been deprived of a bond hearing. A hearing is if anything a right to be heard, and here the immigration judge considered it a foregone conclusion that he was ineligible for bond, without considering the law or entertaining his counsel's arguments. Like the accused in criminal cases, habeas is proper. See *Moore v. Dempsey*, 261 U.S. 86 (1923); *Johnson v. Zerbst*, 304 U.S. 458 (1938); *Burns v. Wilson*, 346 U.S. 137, 154 (1953).

40. Respondents' actions in detaining Mr. Fuentes Granados without any legal justification violate the Fifth Amendment.

41. The government's detention of Petitioner is unjustified. Respondents have not demonstrated that Petitioner needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the

community). There is no credible argument that Petitioner cannot be safely released back to his community and family.

42. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

SECOND CAUSE OF ACTION
Violation of Immigration and Nationality Act

43. Petitioner re-alleges and incorporates by reference the paragraphs 1-33.

44. Petitioner was detained pursuant to "authority contained in section 236" of the INA; section 236 is codified at 8 U.S.C. § 1226. Despite this, DHS finds that Petitioner is detained subject to 8 U.S.C. § 1225(b)(2) and the IJ lacks jurisdiction under Matter of Yajure Hurtado on the same basis.

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

46. Respondents have wrongfully adopted a policy and practice of arguing all noncitizens, such as Petitioner, are subject to mandatory detention under § 1225(b)(2).

47. The unlawful application of § 1225(b)(2) to Petitioner violates the INA.

THIRD CAUSE OF ACTION
Fifth Amendment – Due Process Denial of Opportunity to Contest Mis-Inclusion in Mandatory Category of Detention

48. Petitioner re-alleges and incorporates by reference the paragraphs 1-47.

49. Mr. Fuentes Granados has a vested liberty interest in preventing his removal because he is eligible for cancellation of removal and is entitled to pursue that relief outside of detention by showing he is neither a danger to the community nor a flight risk under 8 U.S.C. §1226(a).

50. For all of the above reasons, Respondents' attempts to detain Petitioner without a meaningful opportunity to be heard violate his Procedural Due Process rights under the Fifth Amendment.

FOURTH CAUSE OF ACTION
ADMINISTRATIVE PROCEDURE ACT

51. Petitioner re-alleges and incorporates by reference the paragraphs 1-50.

52. Respondents' continued efforts to deny Petitioner bond violate the INA, Administrative Procedures Act (APA), and the U.S. Constitution.

53. As set forth in Count Two and Three, federal regulations and case law provide the procedure for a noncitizen in removal proceedings like Petitioner to seek a bond redetermination by an IJ.

54. In being denied the opportunity to return to his family, and pursue Cancellation of Removal in a non-detained court setting where he is free to gather the necessary evidence, Mr. Fuentes Granados would be deprived of the right to freedom to lawfully pursue his rights in this civil matter. The Government's "no-review" provisions are a violation of his procedural and substantive due process and without any statutory authority. There is no timeframe or procedure for requesting DHS to itself review its custody decision, and removal proceedings in this case will proceed during that time while Petitioner remains in custody.

55. The actions by Respondents would improperly alter the substantive rules concerning mandatory custody status without the required notice-and-comment period and would be in violation of the INA and its regulations. These actions by Respondents violate the APA. Under the APA, this Court may hold unlawful and set aside an agency action which is "contrary to constitutional right, power, privilege or immunity." 5 U.S.C. § 706(2)(B). The regulations at 8 C.F.R. §§ 1003.19(h)(1)(B) and 1003.19(h)(2)(B) providing no review of DHS custody decision for arriving aliens in removal proceedings are in violation of substantive and procedural due process as guaranteed by the Fifth Amendment to the United States Constitution. It is ultra vires because it exceeds the authority granted ICE by Congress at 8 U.S.C. § 1226(a). For these reasons, this Honorable Court should hold that Petitioner is detained under § 236(a), not § 235(b), and order his immediate release or, in the alternative, direct the Immigration Court to conduct a custody redetermination hearing under § 236(a) in which Petitioner has a meaningful opportunity to show that he is not a danger or flight risk. Any contrary reliance on Matter of Yajure-Hurtado would unlawfully misapply the statute and deprive Petitioner of his rights under the INA, the APA, and the Due Process Clause.

FIFTH CAUSE OF ACTION
STAY OF REMOVAL CLAIM

56. Petitioner re-alleges and incorporates by reference the paragraphs 1-55.

57. The denial of a bond, followed by removal of Mr. Fuentes Granados from the United States would cause him irreversible harm and injury because he is mis-classified by the Government as subject to mandatory detention.

58. The Court should grant the stay of Mr. Fuentes Granados' removal to protect his statutory rights under the INA and the APA. In attempting to assert his rights, the

Government has railroaded him and deprived him of freedom and liberty to contest his removal while free on bond, or at the very least, of his ability to prove he is not subject to mandatory detention and that he merits release on bond.

SIXTH CAUSE OF ACTION
SUSPENSION CLAUSE CLAIM

59. Petitioner re-alleges and incorporates by reference the paragraphs 1-58.

60. If 8 U.S.C. § 1252 stripped the Court jurisdiction from this matter, it would be unconstitutional as applied because it would deny Mr. Fuentes Granados the opportunity for meaningful review of the unlawfulness of his detention and removal.

61. To invoke the Suspension Clause, a petitioner must satisfy a three-factor test: "(1) the citizenship and status of the detainee and the adequacy of the process through which that status determination was made; (2) the nature of the sites where apprehension and then detention took place; and (3) the practical obstacles inherent in resolving the prisoner's entitlement to the writ." *Boumediene v. Bush*, 553 U.S. 723, 766 (2008). Mr. Fuentes Granados satisfies these three requirements and may invoke the Suspension Clause.

62. First, although Mr. Fuentes Granados is not a U.S. citizen or resident, he has lived here for over 15 years, and he qualifies for cancellation of removal. Mr. Fuentes Granados has significant family connections in the United States as stated above. All of which establishes a substantial legal relationship with the United States.

63. Mr. Fuentes Granados satisfies the second factor because he was apprehended by DHS and remains detained in the United States.

64. Finally, there are no serious, practical obstacles to resolving this present matter. This Court is equipped to decide whether Mr. Fuentes Granados is entitled to the writ.

65. There is no adequate alternative to a habeas petition. The refusal of the immigration court to grant Mr. Fuentes Granados the right to show he is mis-classified and that he is not subject to mandatory detention, without proper notice or due process, deprives him of his constitutional rights. The BIA cannot adequately and expeditiously review these issues.

SEVENTH CAUSE OF ACTION
INJUNCTIVE RELIEF

66. Petitioner re-alleges and incorporates herein by reference each and every allegation contained in the above paragraphs of this Petition.

67. This Court has the discretion to enter a temporary restraining order and a preliminary injunction. *See Haitian Refugee Center v. Nelson*, 872 F.2d 1555, 1561-1562 (11th Cir. 1989). "To be entitled to a preliminary injunction, the applicants must show (1) a substantial likelihood that they will prevail on the merits, (2) a substantial threat that they will suffer irreparable injury if the injunction is not granted, (3) their substantial injury outweighs the threatened harm to the party whom they seek to enjoin, and (4) granting the preliminary injunction will not disserve the public interest." *Tex. Med. Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012). All four elements must be demonstrated to obtain injunctive relief. Id.

68. Respondents' actions have caused Petitioner harm that warrants immediate relief.

VIII. RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

(2) Declare that ICE's apprehension and continued detention of Mr. Fuentes Granados was an unlawful exercise of authority because the ICE officer provided no reason that he presents a danger to the community or is flight risk;

(3) Issue an order directing Respondents to show cause why the writ should not be granted;

(4) Order Respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security;

(5) Enjoin ICE from transferring Mr. Fuentes Granados outside of the Southern District of Florida while this matter is pending;

(6) Grant the writ of habeas corpus ordering Respondents to release Mr. Fuentes Granados on his own recognizance, parole, or reasonable conditions of supervision, or order the Respondents to conduct a bond hearing under which it correctly applies the statutes and no longer mis-classifies him as subject to mandatory detention, in the alternative order a hearing under Matter of Joseph.

(7) Grant any other relief that this Court deems just and proper.

PRAYER FOR EXPEDITED CONSIDERATION

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests expedited consideration. Each day of unlawful detention inflicts irreparable harm on Petitioner and his U.S. citizen children, depriving them of their father's care, stability, and support. Prompt judicial intervention is necessary to protect Petitioner's constitutional rights and his family's well-being.

Respectfully submitted,

/s/ Jacqueline Delgado
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Mr. Fuentes Garnados, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 6th day of January, 2026.

/s/ Jacqueline Delgado
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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying exhibits to be served by certified mail, return receipt requested, on the following:

1. Attorney General of the United States U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001
2. U.S. Attorney's Office for the Southern District of Florida Attn: Civil Division – Habeas / Immigration 99 NE 4th Street Miami, FL 33132
3. Warden, Officer in Charge, Broward Transitional Center, 3900 N Powerline Rd, Pompano Beach, FL 33073

Service on the United States Attorney constitutes service on all named federal Respondents in this matter, and service has also been made directly on the Warden as Petitioner's immediate custodian.

Dated this 6th day of January, 2026,

/s/ Jacqueline Delgado
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