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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 RAMIRO TAPIA CIELO, *Detainee,*
14 *Imperial Regional Detention Facility,*
15 *Calexico, California,*

16 Petitioner,

17 v.

18 JEREMY CASEY, *as Warden,*
19 *Imperial Regional Detention Facility;*
20 U.S. DEPARTMENT OF
21 HOMELAND SECURITY; U.S.
22 IMMIGRATION AND CUSTOMS
23 ENFORCEMENT; KRISTI NOEM,
24 *as Secretary of the United States*
25 *Department of Homeland Security;*
26 TODD LYONS, *as Acting Director of*
27 *U.S. Immigration and Customs*
28 *Enforcement; DOE 1, ICE*
Enforcement and Removal Office
Field Operations Director for San
Diego; and DOES 2–10.

Respondents.

Case No: '26CV0097 BJC VET

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

I. Introduction

1
2 1. Petitioner Ramiro Tapia Cielo, (“Petitioner”), currently detained at
3 Imperial Regional Detention Facility (“IRDF”) in Calexico, California, files this
4 Petition for writ of *habeas corpus* under 28 U.S.C. § 2241, following his collateral
5 street arrest by Respondent Immigration and Customs Enforcement (“ICE”) in
6 Brooklyn, New York.

7 2. Pursuant to 28 U.S.C § 2243, Ramiro Tapia Cielo requests the Court:
8 (a) issue the writ of *habeas corpus*; or (b) order Respondents to show cause why the
9 relief Petitioner seeks should not be granted, within three days of filing this Petition.
10 28 U.S.C. § 2243. Should the Court order the latter, Petitioner requests it: (c) set a
11 hearing within five days of Respondents’ return on the order to show cause. *Id.*

12 3. Ramiro Tapia Cielo is imprisoned by the federal government under
13 color of immigration law. His continued imprisonment is unlawful because:
14 (1) Respondents’ misclassification of the detention authority used to detain
15 Mr. Tapia Cielo as under 8 U.S.C. § 1225(b)(2)(A) rather than 8 U.S.C. § 1226(a) is
16 contrary to the INA and the binding Final Judgment in *Maldonado Bautista v. Noem*,
17 No.5:25-cv-01873-SSS-BFM, which declares that the members of the nationwide
18 Bond Eligible Class—including petitioner—are 8 U.S.C. § 1226(a) detainees
19 eligible for bond and custody redetermination; (2) Respondents’ continued detention
20 of Petitioner, including their refusal to give effect to the Immigration Judge’s
21 January 2, 2026 alternative custody redetermination order setting a \$2,000 bond and
22 conditions of release, violates the Administrative Procedure Act (“APA”) as
23 arbitrary, capricious, and in excess of statutory authority; and (3) Petitioner’s
24 ongoing detention without a lawful, meaningful opportunity for release on bond
25 violates the Fifth Amendment’s Due Process Clause.

1 4. Under these circumstances, the Constitution and laws of the United
2 States require that Petitioner Ramiro Tapia Cielo be immediately released from
3 unlawful imprisonment. At minimum, this Court should order Respondents to
4 implement the Immigration Judge’s January 2, 2026 custody redetermination order
5 by releasing Petitioner upon posting the \$2,000 bond and complying with the
6 conditions set by the Immigration Court (or on such other reasonable conditions of
7 supervision as the Court deems appropriate).

8
9 **II. Jurisdiction and Venue**

10 5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241
11 (*habeas corpus*); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal
12 question jurisdiction); Article I, Section 9, Clause 2 of the U.S. Constitution (the
13 Suspension Clause); and Article III of the U.S. Constitution.

14 6. Venue is proper in the Southern District of California pursuant to
15 28 U.S.C. §§ 1391(b)(2) and (e)(1)(B) because a substantial part of the events or
16 omissions giving rise to this claim have transpired here, as Ramiro Tapia Cielo is
17 incarcerated here, and because proper respondents reside in this judicial district.
18 28 U.S.C. § 1391(b)(1), (e)(1)(A). Venue is also proper because Respondents are
19 officers or employees of the United States acting in their official capacities.
20 Additionally, venue is proper under the habeas statute because the federal
21 Respondents with custody over Ramiro Tapia Cielo reside in this district. *See*
22 28 U.S.C. § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J.,
23 concurring).

24 7. 8 U.S.C. § 1252(b)(9) does not bar Petitioner’s claims for *habeas* relief,
25 because while § 1252(b)(9) bars review of “all questions of law and fact, including
26 interpretation and application of constitutional and statutory provisions, arising from
27

1 any action taken or proceeding brought to remove an alien from the United States,”
2 the Supreme Court has definitively determined that “§ 1252(b)(9) ‘does not present
3 a jurisdictional bar’ where those bringing suit ‘are not asking for review of an order
4 of removal,’ ‘the decision . . . to seek removal,’ or ‘the process by which . . .
5 removability will be determined.’” *D.H.S. v. Regents of the Univ. of California*, 591
6 U.S. 1, 19 (2020) (quoting *Jennings v. Rodriguez* 583 U.S. 281, 294 (2018)); *see*
7 *also Nielsen v. Preap*, 586 U.S. 392, 402 (2019) (Alito, J., plurality portion). J.M.G.
8 challenges only his detention, not his removal proceedings themselves, and thus the
9 provision does not bar the Petition. *See, e.g., Garcia v. Noem*, No. 25-cv-02180-
10 DMS-MMP, 2025 WL 2549431, at *3–4 (S.D. Cal. Sept. 3, 2025); *Noori v. Larose*,
11 No. 25-cv-1824-GPC-MSB, 2025 WL 2800149, at *7 (S.D. Cal. Oct. 1, 2025).

12 8. Likewise, 8 U.S.C. § 1252(g) does not bar Petitioner’s claims to habeas
13 relief because section insulates from judicial review only “three discrete actions . . .
14 [by] the Attorney General . . . : her ‘decision or action’ to ‘commence proceedings,
15 *adjudicate* cases, or *execute* removal orders.” *Reno v. Am.-Arab Anti-*
16 *Discrimination Comm.*, 525 U.S. 471, 482 (1999) (emphasis original). Here,
17 Petitioner does not challenge his underlying removal case. Nor does he challenge
18 any decision to commence removal proceedings, any adjudication of his case, or the
19 execution of any removal order. Instead, he challenges only the unlawful revocation
20 of the parole he was granted upon release into the country. Thus, as the courts in the
21 Southern District of California agree, § 1252(g) does not bar his claims. *See Garcia*
22 *v. Noem*, 2025 WL 2549431 at *4; *Noori*, 2025 WL 2549431 at *6–7 (citing *Sharkey*
23 *v. Quarantillo*, 541 F.3d 75, 86 (2d Cir. 2008)); *see also Nadarajah v. Gonzales*, 443
24 F.3d 1069, 1081–82 (9th Cir. 2006).

III. Parties

1
2 9. Petitioner Ramiro Tapia Cielo is a Mexican national currently detained
3 at IRDF in Calexico, California. He has been in ICE custody since October 30, 2025,
4 following his collateral arrest in Brooklyn, New York.

5 10. Respondent Department of Homeland Security (“DHS”) is a cabinet-
6 level agency of the federal government. DHS and its components, including ICE,
7 are the agencies principally charged with implementing and enforcing the
8 immigration laws and policies of the United States, including immigration detention
9 at Imperial Regional Detention Facility.

10 11. Respondent ICE is the sub-agency within DHS responsible for carrying
11 out immigration enforcement and detention in the interior of the United States and
12 for representing DHS in proceedings before the immigration courts, including
13 detention at the Imperial Regional Detention Facility.

14 12. Respondent Kristi Noem is the Secretary of the U.S. Department of
15 Homeland Security. As such, Secretary Noem has legal custody of Ramiro Tapia
16 Cielo.

17 13. Respondent Todd Lyons is the Acting Director of ICE. In that capacity,
18 Respondent Lyons is responsible for the enforcement of the immigration laws in the
19 interior of the United States, the implementation of enforcement policies, and
20 oversight of the DHS lawyers who appear before the immigration courts.

21 14. Respondent Jeremy Casey is the Warden of the Imperial Regional
22 Detention Facility. In that capacity, he is the facility’s most senior leader and
23 supervisor, responsible for all employees therein and detention of all detainees
24 thereof, including Ramiro Tapia Cielo.

25 15. Respondent Doe 1 is the San Diego ICE Enforcement and Removal
26 Operations (“ERO”) Field Director, responsible for ICE enforcement and removal
27

1 operations throughout the San Diego region. Until October 24, 2025, this position
2 was held by Patrick Divver.

3 16. Respondents Does 2–10 are individuals whose names are yet unknown,
4 but who are ICE officials within the San Diego ICE Field Office, located at 880
5 Front St., Suite 2242, San Diego, CA 92101. These individuals are responsible for
6 overseeing and directing immigration enforcement and detention activities within
7 San Diego County.

8 **IV. Facts**

9 17. Petitioner Ramiro Tapia Cielo is a native and citizen of Mexico. He
10 entered the United States without inspection near the southern border in or about
11 2004, when he was approximately nineteen years old.

12 18. Petitioner has resided continuously in the United States, primarily in
13 New York City, since 2004. For more than twenty years, the United States has been
14 his home.

15 19. Petitioner has formed deep family and community ties in New York.
16 He has lived for many years with his long-time partner, Evelia [REDACTED], a
17 United States citizen, and their two United States citizen sons: [REDACTED]
18 who turned 21 on [REDACTED] 2025, and [REDACTED], now 14 years old.

19 20. Petitioner's older U.S. citizen son suffers from a disability.
20 Petitioner assists him with daily living tasks such remembering to bathe, helps him
21 to manages behavioral outbursts, accompanies him to therapy and medical
22 appointments, and plays an indispensable role in maintaining his son's safety and
23 well-being.

24 21. Petitioner's younger U.S. citizen son also has special educational needs
25 and relies on a stable home environment and consistent parental presence. Petitioner
26 provides emotional support, help with school, and daily care.

1 22. Petitioner has been a primary caregiver and economic provider for his
2 household. He has worked as a foreman for a local moving company to support his
3 family, helped raise his children, and has been deeply involved in their schooling
4 and medical care.

5 23. Petitioner's U.S. citizen partner depends on his assistance to manage
6 the heavy caregiving burden of raising two high-needs children. Without Petitioner,
7 she faces overwhelming responsibilities and risks serious financial, emotional, and
8 physical strain. Respondent's sudden detention and transfer to IRDF has severely
9 disrupted this caregiving structure.

10 24. Petitioner has no known criminal convictions, and has not, to his
11 knowledge, ever been the subject of any criminal investigation or accusation.

12 **A. Issuance of Notice to Appear and Initiation of Removal**
13 **Proceedings**

14 25. In or about 2018, Petitioner retained counsel and affirmatively applied
15 for asylum with U.S. Citizenship and Immigration Services ("USCIS"), seeking
16 protection based on his fear of harm in Mexico.

17 26. In 2019, the USCIS New York Asylum Office declined to approve
18 Petitioner's asylum application and issued a "Referral Notice" transferring his case
19 to the Executive Office for Immigration Review.

20 27. Together with that Referral Notice, DHS served Petitioner with a
21 Notice to Appear (NTA), DHS Form I-862 (5/17), initiating removal proceedings
22 against him in immigration court under 8 U.S.C. § 1229a (I.N.A. § 240). That NTA
23 charged Petitioner as removable under 8 U.S.C. § 1182(a)(6)(A)(i) as a noncitizen
24 present in the United States without being admitted or paroled. The NTA also
25 contained DHS's charging allegations and an Order for Petitioner to appear before
26 an Immigration Judge at the specific date, time, and location of his initial hearing.
27

1 On its reverse side, a “Notice to Respondent” included language requiring him to,
2 among other things: carry the NTA document at all times as “evidence of his alien
3 registration;” provide DHS, in writing, with his full mailing address and telephone
4 number; and inform DHS of any changes to the same. It also contained language
5 warning Petitioner that DHS may arrest and detain him if he failed to attend his
6 Immigration Court hearing. The Notice to Appear and Notice to Respondent were
7 accompanied by a Notice of Hearing in Removal Proceedings containing similar
8 language.

9 28. Respondent complied with the requirements outlined by DHS on its
10 NTA and Notice of Hearing. DHS did not assume custody of Petitioner at any point
11 before, during, or after issuing the Notice to Appear and initiating 8 U.S.C. § 1229a
12 removal proceedings against him.

13 29. Instead, having full access to his immigration and personal history, it
14 exercised its discretion to allow him to remain free from immigration detention
15 subject to standard conditions of release including, but not limited to, those
16 mentioned above.

17 30. For at least six years thereafter, Petitioner fully complied with these
18 obligations. He remained at the same New York address with his U.S. citizen family,
19 attended hearings, remained in contact with counsel, and continued to care for his
20 disabled and special-needs children.

21 31. Petitioner’s removal proceedings were long venued in the New York –
22 Federal Plaza Immigration Court. He has appeared as required and, through counsel,
23 has pursued relief including asylum, withholding of removal, and non-lawful
24 permanent resident cancellation of removal based on the hardship his deportation
25 would cause his U.S. citizen children (and, prospectively, his U.S. citizen partner).
26
27
28

1 32. Because Petitioner was detained on October 30, 2025, his individual
2 (merits) hearing—originally scheduled for December 22, 2027, before IJ Gordon in
3 New York—was canceled and replaced with a series of master calendar hearings,
4 beginning December 9, 2025, before IJ Penalosa in the Imperial Immigration Court.
5 Petitioner’s next master calendar hearing in the Imperial Immigration Court is
6 scheduled for January 13, 2026.

7
8 **B. Collateral Arrest in Brooklyn and Resulting Injury**

9 33. On or about October 30, 2025, Petitioner was arrested by ICE officers
10 in a collateral enforcement action in the Sunset Park neighborhood of Brooklyn,
11 New York. Petitioner was not the subject of any criminal arrest warrant.

12 34. During this collateral arrest, ICE officers used significant physical force
13 despite Petitioner’s compliance and cooperation. Officers forced Petitioner against
14 a car, drove a knee into his back while he was pinned, and roughly handcuffed him.
15 Petitioner immediately experienced severe back pain and limitation of movement.

16 36. Petitioner was taken into ICE custody in New York while still in pain
17 from injuries suffered during the arrest. He did not receive prompt or comprehensive
18 evaluation for his injury before being transported out of state.

19
20 **C. Transfer to Imperial Regional Detention Facility and Present
21 Detention**

22 37. After ICE arrested Petitioner in Brooklyn, NY they transferred
23 Petitioner across the country to immigration detention in Southern California. He is
24 now detained at Imperial Regional Detention Facility (“IRDF”) in Calexico,
25 California, which is within the San Diego Field Office area of responsibility.

26 38. While detained, Petitioner has been denied appropriate medical
27 evaluation and diagnostic imaging (including MRI) for the back injury suffered

1 during his arrest. He continues to experience significant pain and functional
2 limitations.

3 39. Petitioner remains detained at IRDF, far from his family, his
4 longstanding residence, and his New York counsel. The travel distance, his injury,
5 and detention conditions significantly impair his ability to communicate with
6 counsel and to meaningfully prepare his defense and applications for relief in his
7 New York-based removal case.

8 **D. DHS’s Reclassification of Petitioner as an 8 U.S.C. § 1225(b)**
9 **“Applicant for Admission”**

10 40. Petitioner’s 8 U.S.C. § 1229a (I.N.A. § 240) removal proceedings in
11 New York, which had been scheduled to proceed in an individual (merits) hearing
12 on December 22, 2027, have been canceled and rescheduled for a series of master
13 calendar hearings before IJ Penalosa of the Imperial Immigration Court in
14 California, beginning December 9, 2025. Petitioner’s next master calendar hearing
15 in the Imperial Immigration Court is scheduled for January 13, 2026. On information
16 and belief, DHS has not sought, and the immigration court has not granted,
17 termination of Petitioner’s 8 U.S.C. § 1229a proceedings.

18 41. Nonetheless, upon arresting and detaining Petitioner in October 2025,
19 DHS began to treat him as an “applicant for admission” detained under 8 U.S.C.
20 § 1225(b)(2)(A) (I.N.A. § 235) without access to bond or custody redetermination,
21 rather than as an 8 U.S.C. § 1226(a) detainee with access to bond or custody
22 redetermination.

23 42. On November 28, 2025, Petitioner filed a Motion for Custody
24 Redetermination at the Imperial Immigration Court and was initially scheduled for
25 a custody redetermination hearing on December 5, 2025, before Immigration Judge
26 Scott Simpson. The Immigration Judge denied the motion, indicating that the court
27

1 lacked bond jurisdiction. After the Central District of California entered the Final
2 Judgment in *Maldonado Bautista v. Noem*, No.5:25-cv-01873-SSS-BFM on
3 December 18, 2025, petitioner renewed his request for custody redetermination. On
4 December 30, 2025, Immigration Judge Anne Kristina Perry conducted a custody
5 redetermination hearing. At that hearing, DHS counsel stated that “the *Maldonado*
6 *Bautista* decision is binding.” Nonetheless, the Immigration Judge *sua sponte*
7 concluded she lacked bond jurisdiction. On January 2, 2026, the Immigration Judge
8 issued a written custody order denying jurisdiction under *Matter of Yajure Hurtado*,
9 29 I&N Dec. 216, but making alternative findings that, if the court does have
10 jurisdiction, Petitioner is bond eligible and may be released upon posting a \$2,000
11 bond and complying with conditions of release, including residence at 245 51st
12 Street, #2, Brooklyn, NY; filing an E-33 and obtaining ICE’s written permission
13 prior to any move; obeying all laws; not working without valid work authorization;
14 not driving without a valid driver’s license; and complying with Alternatives to
15 Detention at ICE’s discretion. **Exhibit A.**

16 43. The Immigration Judge’s jurisdictional denial was based on *Matter of*
17 *Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025), which held that noncitizens who
18 entered without inspection are “applicants for admission” subject to detention under
19 INA § 235(b)(2)(A) and that immigration judges lack bond authority. But in
20 *Maldonado Bautista*, the Central District of California declared Respondents’
21 interpretation contrary to law and explained that “the interpretation in *Yajure*
22 *Hurtado*, 29 I&N Dec. 216, which contradicts the Court’s reasoning is no longer
23 controlling.” *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL
24 3713987, at *12 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado*
25 *Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal.
26 Dec. 18, 2025).

1 44. Despite Petitioner’s membership in the Bond Eligible Class and the
2 *Maldonado Bautista* Final Judgment, and despite the Immigration Judge’s
3 alternative bond determination and conditions of release, Respondents continue to
4 detain Petitioner as if he were subject to mandatory detention under INA
5 235(b)(2)(A). Petitioner remains jailed solely because of Respondents’ categorical
6 legal position and the Immigration Court’s asserted lack of jurisdiction—not because
7 he is a danger or a flight risk.

8 **E. *Maldonado Bautista* Final Judgment and Petitioner’s Class**
9 **Membership**

10 45. On December 18, 2025, the United States District Court for the Central
11 District of California entered a Final Judgment in *Maldonado Bautista v. Noem*, after
12 granting partial summary judgment and certifying a nationwide Bond Eligible Class.
13 *Bautista*, 2025 WL 3713987, at *32. The Final Judgment declares that Bond Eligible
14 Class members are detained under INA § 236(a), not INA § 235(b)(2), and are
15 entitled to consideration for release on bond and, if not released, a custody
16 redetermination hearing before an immigration judge. *Id.* The Final Judgment also
17 vacates DHS’s July 8, 2025 “Interim Guidance Regarding Detention Authority for
18 Applicants for Admission” under the Administrative Procedure Act. *Id.*

19 46. The Bond Eligible Class includes: “All noncitizens in the United States
20 without lawful status who (1) have entered or will enter the United States without
21 inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or
22 will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at
23 the time the Department of Homeland Security makes an initial custody
24 determination.” *Bautista*, 2025 WL 3713987, at *32.

25 47. Petitioner squarely falls within this Bond Eligible Class. He: (1) entered
26 the United States without inspection; (2) was not apprehended upon arrival but
27 instead lived in the interior for approximately twenty-five years before being

1 arrested in a Brooklyn collateral enforcement action; and (3) at the time DHS made
2 its initial custody determination on or about October 30, 2025, he was not subject to
3 detention under 8 U.S.C. § 1226(c), 8 U.S.C. § 1225(b)(1), and 8 U.S.C. § 1231.
4 Under the *Maldonado Bautista* final judgment, Petitioner is detained under INA §
5 236(a) and must be considered for release on bond and provided a custody
6 redetermination hearing before an immigration judge with authority to order his
7 release. *See Bautista*, 2025 WL 3713987, at *29–32.

8 **FIRST GROUND FOR HABEAS RELIEF:**
9 **PETITIONER IS BEING DETAINED UNDER THE WRONG STATUTORY**
10 **AUTHORITY IN VIOLATION OF 8 U.S.C. §§ 1225 AND 1226 AND 28**
11 **U.S.C. § 2241**

12 48. Petitioner incorporates the foregoing allegations as if fully set forth
13 herein.

14 49. 8 U.S.C. § 1226(a) is the default detention authority for noncitizens
15 arrested inside the United States and placed into removal proceedings under 8 U.S.C.
16 § 1229a . Section 1226(a) authorizes DHS to detain such noncitizens “pending a
17 decision on whether the alien is to be removed” and to release them “on—(A) bond
18 ... or (B) conditional parole.” 8 U.S.C. 1226(a); *Jennings*, 583 U.S. at 288–89.

19 50. By contrast, 8 U.S.C. 1225(b)(2)(A) applies to certain “aliens seeking
20 admission” and provides that if an immigration officer determines that a person
21 seeking admission is not clearly and beyond a doubt entitled to admission, “the alien
22 shall be detained for a proceeding under section 1229a.” 8 U.S.C. 1225(b)(2)(A). As
23 the Supreme Court has explained, 8 U.S.C. 1225(b) governs the inspection and
24 detention of noncitizens “seeking admission” at the border or its functional
25 equivalents, while 8 U.S.C. 1226(a) governs the arrest and detention of noncitizens
26 already present in the United States who are placed into removal proceedings under
27 § 240. *See Jennings*, 583 U.S. at 287–88 (describing §§ 1225(b) and 1226(a) as
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1 distinct statutory provisions governing noncitizens seeking admission and those
2 already in the country); *Nielsen*, 586 U.S. at 139 (plurality opinion) (same).

3 51. For decades, noncitizens who entered the United States without
4 admission or parole and were later apprehended in the interior were placed into
5 standard removal proceedings under 8 U.S.C. § 1229a, detained, if at all, under
6 8 U.S.C. § 1226(a), and generally afforded the opportunity to seek an individualized
7 custody redetermination hearing before an Immigration Judge to determine whether
8 they merited discretionary release on bond. *See Matter of Guerra*, 24 I. & N. Dec.
9 37 (B.I.A. 2006) (identifying factors relevant to custody redeterminations under
10 8 U.S.C. § 1226(a).

11 52. On July 8, 2025, ICE issued an “Interim Guidance Regarding Detention
12 Authority for Applicants for Admission.” The guidance instructs officers to treat all
13 individuals who entered the United States without admission or parole as “applicants
14 for admission” under 8 U.S.C. § 1225, regardless of when they entered or how long
15 they have resided in the country. Under this reclassification, such individuals are
16 deemed subject to “mandatory” detention under 8 U.S.C. § 1225(b)(2)(A), and ICE
17 asserts that they are ineligible for an immigration judge bond hearing based on that
18 status.

19 53. On September 5, 2025, the Board of Immigration Appeals formally
20 endorsed the same interpretation in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216.
21 In that precedential decision, the Board held that noncitizens who entered the United
22 States without inspection and admission are “applicants for admission” detained
23 under 8 U.S.C. § 1225(b)(2)(A) and that, as a result, immigration judges lack
24 authority to conduct bond hearings or grant bond in their cases. *Id.* This decision
25 marks a sharp departure from long-standing practice in which such individuals were
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1 detained, if at all, under 8 USC § 1226(a) and could seek bond from an immigration
2 judge.

3 54. Through these policy shifts, DHS has adopted an unprecedented
4 interpretation of § 1225(b) and stripped IJs of bond authority for noncitizens present
5 without admission.

6 55. These 2025 DHS and EOIR policy shifts have been challenged in
7 numerous federal courts across the country as inconsistent with the INA and, in some
8 cases, with EOIR’s own regulations. Other federal courts have likewise rejected
9 DHS’s post-*Yajure Hurtado* interpretation of 8 U.S.C. § 1225(b)(2)(A) when
10 applied to long-time interior residents. *See, e.g., Maldonado Bautista*, 2025 WL
11 3713987, at *8–12; *Noori*, 2025 WL 2800149, at *7–11; *Mendoza Gutierrez v.*
12 *Baltasar*, No. 1:25-cv-02720-RMR, 2025 WL 2962908, at *4–9 (D. Colo. Oct. 17,
13 2025); *Rodriguez v. Bostock*, --- F. Supp. 3d ----, No. 3:25-cv-05240-TMC, 2025
14 WL 2782499, at *16–26 (W.D. Wash. Sept. 30, 2025).

15 56. Building on that framework, courts in this District and elsewhere have
16 held that § 1225(b)(2)(A) does not apply to long-time interior residents like
17 Petitioner, whose detention is instead governed by § 1226(a). *See, e.g., Reyes v.*
18 *LaRose*, No. 3:25-cv-02938-JLS-VET, 2025 WL 3171743, at *4–5 (S.D. Cal. Nov.
19 13, 2025) (holding that a long-term interior resident first placed in § 240 proceedings
20 and released on own recognizance is not subject to § 235(b)(2)(A)); *Noori*, 2025 WL
21 2800149, at *7–10; *Gonzalez v. Bostock*, --- F. Supp. ----, No. 25-cv-1404-JNW-
22 GJL, 2025 WL 2841574, at *3–4 (W.D. Wash. Oct. 7, 2025).

23 57. These courts recognize that reading § 1225(b)(2)(A) to cover every
24 person “present in the United States without being admitted” would both render the
25 provision’s “seeking admission” language superfluous and erase the basic
26 distinction between § 1225’s treatment of arriving applicants for admission and
27

1 § 1226’s regime for noncitizens already in the country. *See; Lopez Benitez v.*
2 *Francis*, 795 F. Supp. 3d 475, 483–91 (S.D.N.Y. 2025); *Rodriguez v. Bostock*, 2025
3 WL 2782499, at *27; *Jennings*, 583 U.S. at 287–89; *see also Leng May Ma v.*
4 *Barber*, 357 U.S. 185, 187 (1958).

5 58. After *Loper Bright Enterprises v. Raimondo*, this Court owes no
6 *Chevron* deference to the agency’s interpretation of 8 U.S.C. §§ 1225(b)(2)(A) and
7 1226(a). 603 U.S. 369, 394 (2024). Instead, the Court must exercise its independent
8 judgment under the Administrative Procedure Act and the INA to determine the
9 correct statutory basis for detention. *Id.* at 394, 413. As numerous courts have
10 already held, DHS’s new theory that everyone who entered without inspection is
11 subject to mandatory detention pursuant to § 1225(b)(2)(A) is not a permissible
12 construction of the statute when applied to long-time interior residents.

13 59. Relevant to Petitioner, Respondents now rely on their widely-
14 challenged legal positions underlying these 2025 policies—specifically the holding
15 in *Matter of Yajure Hurtado*—that a long-time interior noncitizen who entered
16 without inspection is, by status, an “applicant for admission” subject to 8 U.S.C.
17 § 1225(b)(2)(A), to justify detaining him at IRDF without an individualized bond or
18 custody determination.

19 60. Petitioner is not a recent arrival at the border. He entered the United
20 States in approximately 2004, has lived here for more than years, and was placed in
21 formal § 1229a removal proceedings in the New York – Federal Plaza Immigration
22 Court in 2019. DHS permitted him to remain free from detention on his own
23 recognizance, and he remained in the community for years, appeared for all
24 scheduled hearings, and pursued applications for asylum and cancellation of
25 removal.

1 61. DHS initially treated him—correctly—as a § 1226(a) respondent: it
2 issued a Notice to Appear placing him in § 1229a proceedings, permitted him to live
3 free from detention on his own recognizance, and allowed him to litigate his case for
4 years in New York Immigration Court. DHS has never lawfully terminated those
5 § 1229a proceedings, yet it has now re-classified him as a § 1225(b)(2)(A) detainee
6 and claims his detention is “mandatory.”

7 62. Because Petitioner is a long-time resident arrested in the interior with
8 an ongoing § 1229a case and a history of release on his own recognizance, the INA
9 requires that his custody be governed by 8 U.S.C. § 1226(a), not 8 U.S.C.
10 § 1225(b)(2)(A). Detaining him under § 1225(b)(2)(A) is therefore contrary to law
11 and in excess of statutory authority. His present detention is unlawful under 28
12 U.S.C. § 2241, and the Court should order his immediate release or, at minimum,
13 declare that he is detained under § 1226(a) and is therefore entitled to the
14 individualized bond considerations that provision contemplates.

15
16 **SECOND GROUND FOR *HABEAS* RELIEF:**
17 **PETITIONER’S DETENTION VIOLATES THE ADMINISTRATIVE**
18 **PROCEDURE ACT (5 U.S.C. § 706(2)(A), (C))**

19 63. Petitioner incorporates the foregoing allegations as if fully set forth
20 herein.

21 64. The Administrative Procedure Act requires courts to “hold unlawful
22 and set aside agency action” that is “not in accordance with law,” “in excess of
23 statutory jurisdiction, authority, or limitations,” or “arbitrary [or] capricious.”
24 5 U.S.C. § 706(2)(A), (C). This includes agency decisions to terminate release and
25 re-detain noncitizens in immigration custody. *See, e.g., Y-Z-L-H v. Bostock*, 792 F.
26 Supp. 3d 1123 (D. Or. 2025) (granting habeas, holding that ICE’s categorical
27
28

1 revocation of parole without individualized explanation was arbitrary and capricious
2 under the APA).

3 65. As alleged, DHS and ICE exercised their discretion not to detain
4 Petitioner and permitted him to remain free in the community on the non-detained
5 docket upon levying the charge of removability and initiating removal proceedings
6 by service of the NTA in 2019, and for six years thereafter during the pendency of
7 his § 1229a proceedings in New York.

8 66. In October 2025, without providing any prior notice or identifying any
9 change in circumstances, DHS abruptly reversed its prior non-detention decision,
10 conducted a violent collateral arrest against Petitioner on the street in Brooklyn, New
11 York, and transferred him—while still suffering from a back injury caused by that
12 arrest—to the Imperial Regional Detention Facility in Southern California.

13 67. Federal courts applying 5 U.S.C. § 706(2)(A), (C) have repeatedly held
14 that DHS’s 2025 practice of revoking parole or release on recognizance and re-
15 detaining long-time residents pursuant to its post-*Yajure Hurtado* § 1225(b) theory,
16 without individualized reasoning, is arbitrary, capricious, and contrary to law. *See,*
17 *e.g., Y-Z-L-H*, 792 F. Supp. 3d at 1144–47 ; *Noori*, 2025 WL 2800149, at *9–11;
18 *Salcedo Aceros v. Kaiser*, No. 3:25-cv-06924-EMC, 2025 WL 2637503, at *8–12
19 (N.D. Cal. Sept. 12, 2025); *Aviles-Mena v. Kaiser*, No. 3:25-cv-06783-RFL, 2025
20 WL 2578215, at *3–5 (N.D. Cal. Sept. 5, 2025); *Garcia v. Andrews*, No. 1:25-cv-
21 01006-JLT-SAB, 2025 WL 2420068, at *4–6, 9 (E.D. Cal. Aug. 21, 2025).

22 68. The *Maldonado Bautista* Final Judgment underscores why DHS is
23 unlawfully detaining Petitioner. Petitioner is a Bond Eligible Class member, and the
24 Final Judgment expressly declares that class members are detained under INA §
25 236(a) and are entitled to consideration for release on bond. *Bautista v. Santacruz*, ,
26 2025 WL 3713987, at *28–32. Yet Respondents continue to detain Petitioner under
27

1 INA § 235(b)(2)(A) and refuse to effectuate the Immigration Judge’s
2 January 2, 2026 alternative custody redetermination order setting a \$2,000 bond and
3 conditions of release. This Court should enforce the Final Judgment’s statutory
4 construction and order Petitioner’s release.

5 69. Respondents have offered no individualized explanation for why they
6 chose to detain Petitioner on the date of his arrest. They do not claim that Petitioner
7 violated any condition of release, committed any new criminal offense, failed to
8 appear for a hearing, or otherwise gave rise to a new risk of danger or flight. Instead,
9 they assert only that Petitioner is now subject to “mandatory detention” as an
10 “applicant for admission” under 8 U.S.C. 1225(b)(2)(A) based solely on his entry
11 without inspection decades ago.

12 70. Independently, DHS’s abrupt, categorical revocation of Petitioner’s
13 release—after years of compliance and without any individualized assessment of
14 risk—entirely failed to consider Petitioner’s settled expectations, his U.S. citizen
15 family’s reliance on his presence, and the statutory factors governing detention and
16 release. *See Navarro Sanchez v. LaRose*, 25-cv-2396-JES-MMP, 2025 WL
17 2770629, at *4–5 (S.D. Cal. Sept. 26, 2025) (finding revocation arbitrary where DHS
18 offered only policy-based rationale).

19 71. Under *Loper Bright Enterprises v. Raimondo*, this Court cannot defer
20 to DHS’s reinterpretation of § 1225(b)(2)(A) to justify revoking Petitioner’s release.
21 603 U.S. at 394, 413. Because § 1225(b)(2)(A) does not lawfully apply to
22 Petitioner—as numerous courts have already concluded in materially similar
23 circumstances—DHS’s reliance on that provision is “not in accordance with law”
24 and “in excess of statutory jurisdiction, authority, or limitations” within the meaning
25 of 5 U.S.C. § 706(2)(A), (C). *See Salcedo Aceros*, 2025 WL 2637503, at *8–12;
26 *Aviles-Mena*, 2025 WL 2578215, at *3–5; *Garcia*, 2025 WL 2420068, at *4–6, *9.

1 72. Because Respondents’ reversal of their long-standing non-detention
2 decision and subsequent detention rest on an unlawful statutory interpretation, and a
3 categorical policy that ignores both Petitioner’s individual circumstances and status
4 as a Bond Eligible Class member under *Maldonado Bautista*, these actions are
5 arbitrary, capricious, and contrary to law. The Court should set them aside under
6 5 U.S.C. § 706(2)(A), (C) and order Petitioner’s immediate release or, at minimum,
7 order DHS to treat him as an 8 U.S.C. 1226(a) detainee and provide him with an
8 individualized bond hearing before a neutral adjudicator.

9
10 **THIRD GROUND FOR HABEAS RELIEF:**
11 **PETITIONER’S DETENTION VIOLATES HIS FIFTH AMENDMENT**
12 **RIGHT TO DUE PROCESS (U.S. Const. Amend. 5)**

13 73. Petitioner incorporates the foregoing allegations as if fully set forth
14 herein.

15 74. The Fifth Amendment provides that “[n]o person shall be ... deprived
16 of life, liberty, or property, without due process of law.” U.S. Const. amend. V. The
17 Due Process Clause “applies to all ‘persons’ within the United States, including
18 aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”
19 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “[I]t is well established that the Fifth
20 Amendment entitles aliens to due process of law in deportation proceedings.” *Reno*
21 *v. Flores*, 507 U.S. 292, 306 (1993).

22 75. Federal courts have now repeatedly held that when DHS exercises its
23 discretion to not detain a noncitizen, that decision creates a protected liberty interest
24 in remaining free unless and until the government provides notice and an
25 individualized hearing before revoking release. *See Pinchi v. Noem*, 792 F. Supp. 3d
26 1025, 1032 (N.D. Cal. 2025); *Noori*, 2025 WL 2800149 at *11; *Salcedo Aceros*,

1 2025 WL 2637503 at *8–12; *Aviles-Mena*, 2025 WL 2578215 at *3–5; *Garcia*, 2025
2 WL 2420068 at *3–7, 9; *see also Lopez Benitez*, 795 F. Supp. 3d at 491–98. .

3 76. As the district court explained in *Pinchi*, even where the government
4 has discretion to detain or release a noncitizen, “the government’s decision to release
5 an individual from custody creates ‘an implicit promise,’ upon which that individual
6 may rely, that their liberty ‘will be revoked only if [they] fail[] to live up to the ...
7 conditions [of release].’” 792 F. Supp. 3d at 1032 (quoting *Morrissey v. Brewer*, 408
8 U.S. 471, 482 (1972)) (internal quotation marks omitted). Once released, a
9 noncitizen “has a protected liberty interest in remaining out of custody.” *Id.* That
10 principle applies with equal force where, as here, DHS has left a noncitizen on the
11 non-detained docket for years before abruptly choosing to take him into custody
12 under a categorical policy.

13 77. The government may argue that Petitioner has no protected liberty
14 interest because he was “never detained” by ICE before his recent arrest. That
15 objection fails. First, under *Morrissey v. Brewer*, 408 U.S. 471 (1972), and *Young v.*
16 *Harper*, 520 U.S. 143 (1997), the source of a protected liberty interest is not the
17 formal label (“parole” or “pre-parole”), but the reality that the government has
18 chosen to allow an individual to live in the community under conditions rather than
19 confining him. *See Morrissey*, 408 U.S. at 482 (parolee relies on “an implicit
20 promise” that liberty will be revoked only for cause); *Young*, 520 U.S. at 147–49
21 (home-release program created *Morrissey*-type liberty interest despite the state’s
22 refusal to call it “parole”). Second, courts in this District have applied that principle
23 to noncitizens released during removal proceedings and recognized a significant
24 liberty interest in “continued freedom after release on own recognizance.” *Alegria*
25 *Palma v. LaRose*, No. 25-cv-1942-BJC-MMP, Dkt. No. 14, at *6 (S.D. Cal. Aug.
26 11, 2025); *Rios v. Noem*, No. 25-CV-2866-JES-VET, 2025 WL 3141207, at *2 (S.D.

1 Cal. Nov. 10, 2025) (“When the government grants an alien supervised release into
2 the country, it creates a liberty interest intimately tied to freedom from
3 imprisonment.”). Decisions from the Northern District of California apply this
4 reasoning in closely analogous redetention cases and reinforce the trend across this
5 Circuit. *See, e.g., Pinchi v. Noem*, 792 F. Supp. 3d at 1034 n.4 (rejecting the
6 government’s contention that petitioner “had not previously been detained” as “a
7 distinction without a difference” and finding an implied promise arising from ICE’s
8 choice to encounter and release her); *Pablo Sequen v. Kaiser*, --- F. Supp. 3d. ----,
9 No. 25-cv-06487-PCP, 2025 WL 2650637, at *5 (N.D. Cal. Sept. 16, 2025), (brief
10 detention followed by release on recognizance “therefore” created “a protected
11 liberty interest in remaining out of custody”). Third, in Petitioner’s case, DHS’s
12 decision to initiate removal proceedings in 2019 and then—for more than six years—
13 decline to detain him while he lived, worked, and raised his U.S. citizen children in
14 New York is itself an exercise of 8 U.S.C. § 1226(a) discretion to allow him to
15 remain in the community. Petitioner structured his family and work life around that
16 long-standing forbearance. Under *Morrissey, Young*, and the immigration decisions
17 above, that deliberate choice created an implicit promise that his liberty would not
18 be revoked arbitrarily and without an individualized determination that detention is
19 actually warranted.

20 78. Petitioner’s circumstances are materially indistinguishable from those
21 of the successful habeas petitioners the cases above. Like those noncitizens, DHS
22 affirmatively chose not to detain him when it placed him in § 1229a removal
23 proceedings and allowed him to live in the community for years while he complied
24 with all conditions of his non-detained status. For years he complied with the
25 conditions of release – appearing for Immigration Court hearings, retaining counsel,
26 living with his U.S. citizen family, and building a record for cancellation of removal.

1 Then, in October 2025, DHS detained him without prior notice, without any
2 explanation of changed circumstances, and without any custody hearing, through a
3 collateral arrest in Brooklyn, New York, during which ICE officers pinned him
4 against a car and drove a knee into his back, causing a serious injury. He was then
5 transported—still injured—to a remote detention facility across the country, in
6 Southern California.

7 79. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court must
8 consider: (1) the private interest at stake; (2) the risk of erroneous deprivation
9 through existing procedures and the value of additional safeguards; and (3) the
10 government’s interests and the burdens of additional procedures. *Id.* at 335.

11 80. ***Private interest.*** Petitioner’s private interest in continued liberty is
12 profound. As detailed in ¶¶ 19-23, Petitioner is a primary caregiver for a severely
13 autistic child and another child with special needs, and he is the main provider for
14 his U.S. citizen family. His freedom from detention following issuance of the NTA
15 allowed him to serve as a primary caregiver, provider, and litigant in his own § 1229a
16 proceedings for more than six years. His sudden, arrest and transfer to IRDF have
17 destabilized his family, placed his disabled children at risk, and deprived him of the
18 ability to meaningfully participate in his own case while recovering from a serious
19 back injury inflicted during his arrest.

20 81. ***Risk of erroneous deprivation and value of additional safeguards.***
21 Here, Petitioner was arrested on an administrative warrant and treated as a §
22 1225(b)(2)(a) detainee without any pre-deprivation hearing, without written notice
23 explaining the basis for his detention, and without an opportunity to contest
24 Respondent’s legal theory before a neutral adjudicator with authority to order his
25 release. As in similar cases challenging redetention without a lawful bond
26 mechanism, the risk of erroneous deprivation is high where “the petitioner has not
27

1 received any bond or custody hearing” before an adjudicator with authority to order
2 release. *Pinchi*, 792 F. Supp. 3d at 1035. A federal court order directing Respondents
3 to treat Petitioner as a § 236(a) detainee and to implement the Immigration Judge’s
4 alternative bond conditions—or to provide a bond hearing before an adjudicator with
5 authority to order release—would greatly reduce that risk.

6 82. ***Government’s interests.*** The government has a legitimate interest in
7 ensuring that removable noncitizens appear for proceedings and in protecting public
8 safety. But courts have repeatedly held that the incremental burden of providing
9 notice and a custody hearing before revoking release is “low,” especially where, as
10 here, the noncitizen has already been permitted to remain free from detention and
11 has complied with the terms of release for years. *Id.*; *Ortega v. Bonnar*, 415 F. Supp.
12 3d 963, 970 (N.D. Cal. 2019). The government remains free to re-arrest Petitioner if
13 it can demonstrate danger or flight risk after such a hearing; it simply may not do so
14 categorically and without process.

15 83. Applying the *Mathews* factors, the balance overwhelmingly favors
16 Petitioner. DHS’s decision to arrest and continue to detain Petitioner without notice,
17 a statement of reasons, or an individualized hearing violates the Due Process Clause.
18 See *Pinchi*, 792 F. Supp. 3d at 1031–38; *Garcia v. Noem*, 2025 WL 2549431, at *3–
19 5; *Noori*, 2025 WL 2800149, at *9–11.

20 84. Because his detention is the product of this unconstitutional process,
21 Petitioner is entitled to a writ of habeas corpus ordering his immediate release. At
22 minimum, due process requires that DHS and EOIR treat him as an INA § 1226(a)
23 detainee and provide him with a prompt, individualized bond hearing before a
24 neutral adjudicator at which the government must justify continued detention and
25 the adjudicator must consider his ability to pay and alternatives to detention.

1 87. Second, Petitioner has already sought administrative release, including
2 by filing a Motion for Custody Redetermination and appearing for custody
3 redetermination hearings on December 5, 2025 and December 30, 2025. Despite
4 Petitioner’s Bond Eligible Class membership and DHS’s acknowledgment at the
5 December 30 hearing that the district court’s decision is binding, the Immigration
6 Court denied jurisdiction and declined to order release, citing *Matter of Yajure*
7 *Hurtado*, 29 I.&N. Dec. 216. This procedural posture confirms that further
8 administrative exhaustion would be futile and inadequate to remedy Petitioner’s
9 unlawful detention, particularly where the dispositive question in Respondents’
10 compliance with the *Maldonado Bautista* Final Judgment and the governing
11 detention status.

12 88. Indeed, another court in this district addressed a similar issue in *Garcia*
13 *v. Noem*, where petitioners challenged DHS’s new detention policy, adopted in the
14 July 8, 2025, Interim Guidance and endorsed in *Yajure Hurtado*, treating all non-
15 admitted noncitizens as § 1225(b) “applicants for admission” who are ineligible for
16 bond. The court held that exhaustion was futile because “as a matter of policy, DHS
17 regards petitioners’ detention as “mandatory” and immigration judges and the BIA
18 lack authority to disregard *Yajure Hurtado* and grant bond. 2025 WL 2549431, at
19 *4–5 (S.D. Cal. Sept. 3, 2025). The same is true here: Respondents take the position
20 that Petitioner is an “applicant for admission” subject to “mandatory” detention
21 under § 235(b)(2), so no additional administrative step could result in his release.

22 89. Second, Ramiro Tapia Cielo will suffer irreparable harm because he
23 will be detained in violation of statute and the Constitution for at minimum the
24 duration of his administrative procedures if required to exhaust remaining
25 administrative remedies. “It is well established that the deprivation of constitutional
26 rights ‘unquestionably constitutes irreparable injury.’ *Hernandez*, 872 F.3d at 994—
27

1 95 (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)). Ramiro Tapia
2 Cielo has pleaded unconstitutional detention. Every day spent in unlawful detention
3 is one spent free that he can never recover. Requiring further exhaustion achieves
4 only more time spent in detention for an administrative result that is, as discussed,
5 foregone based upon DHS’s unlawful “mandatory” detention policies.

6 90. Therefore, Ramiro Tapia Cielo meets two recognized exceptions to
7 exhaustion requirements and should not be made to seek further administrative
8 remedies before filing here.

9
10 **VI. Prayer for Relief**

11 91. For the reasons set forth, Petitioner respectfully requests that this
12 Court:

- 13 a. **ASSUME** jurisdiction over this matter;
- 14 b. **ORDER** that Petitioner not be removed or otherwise transferred from
15 this district during this action’s pendency without the Court’s prior leave,
16 unless he is transferred back to New York.
- 17 c. **DECLARE** that Petitioner is detained under 8 U.S.C. 1226(a), not
18 §1225(b)(2)(A), and that Respondents’ revocation of his release violated
19 the INA, the APA, and the Due Process Clause, and that, as a member of
20 the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*,
21 Petitioner is entitled to the same declaratory relief granted to that class and
22 must be treated by DHS as a § 1226(a) detainee eligible for bond;
- 23 d. **ISSUE** a writ of *habeas corpus*, within three days of filing this Petition,
24 ordering Ramiro Tapia Cielo’s immediate release from immigration
25 detention under reasonable conditions of supervision; **or ORDER**
26 Respondents to show cause, within three days of filing this Petition, why
27
28

1 the relief Petitioner seeks should not be granted; and **SET** a hearing on this
2 matter within five days of Respondents' return on the order to show cause,
3 pursuant to 28 U.S.C. § 2243.

4 e. **ORDER**, pursuant to the All Writs Act, 28 U.S.C. § 1651, that
5 Respondents not re-detain Petitioner on the basis of 8 U.S.C.
6 § 1225(b)(2)(A) during the pendency of his § 1229a removal proceedings
7 absent prior leave of this Court;

8 f. **IN THE ALTERNATIVE**, order Respondents to:

9 i. treat Petitioner as a § 1226(a) detainee;

10 ii. Immediately implement the Immigration Judge's January 2, 2026
11 custody order by accepting a \$2,000 bond and releasing Petitioner
12 under the conditions set forth in that order; and if Respondents contend
13 the Immigration Court cannot implement that order, provide Petitioner
14 with a prompt, individualized bond hearing before a neutral adjudicator
15 with authority to order release, applying the *Matter of Guerra*, 24 I&N
16 Dec. 37 (B.I.A. 2006), framework, and considering ability to pay and
17 alternatives to detention.

18 g. **AWARD** Petitioner his reasonable attorneys' fees and costs under the
19 Equal Access to Justice Act, 28 U.S.C. § 2412, and any other authority
20 the Court deems appropriate; and

21 h. **GRANT** such other and further relief as the Court deems just and
22 proper.

1
2 **Verification:** Pursuant to 28 U.S.C. § 2242, I, the undersigned acting on Petitioner's
3 behalf, verify under penalty of perjury that all facts stated herein are true and correct
4 to the best of my knowledge and belief.

5 DATED: January 7, 2026

6 Respectfully submitted,
7 SINGLETON SCHREIBER, LLP

8 /s/ Liam S. Barrett
9 Kimberly S. Hutchison
10 Liam S. Barrett
11 *Attorneys for Petitioner*
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EXHIBIT A



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMPERIAL IMMIGRATION COURT

Respondent Name:

TAPIA CIELO, RAMIRO

To:

Cohen, Elizabeth
277 Broadway
Suite 400
New York, NY 11572

A-Number:



Riders:

In Custody Redetermination Proceedings

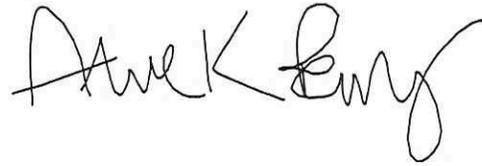
Date:

01/02/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
Court is without jurisdiction to authorize bond pursuant to Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025)
- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:
Should it be determined that the Court does have jurisdiction, the Court will make the following alternative findings: Post Bond in the amount of \$2,000.00;
Reside at 234 51st street, #2, Brooklyn NY -- if Respondent wishes to move from that location, he must file an E-33 and get written permission from ICE; obey all laws, federal state and local - Respondent cannot work without a valid work permit nor drive without a valid driver's license;
Respondent will be subject to Alternatives to Detention (electronic monitoring) at the discretion of ICE/DHS.



Immigration Judge: Perry, Anne Kristina 01/02/2026

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : TAPIA CIELO, RAMIRO | A-Number : 

Riders:

Date: 01/02/2026 By: RIOS, JOYCE, Court Staff