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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

VIJAY PUNIA

Petitioner,

v.

Michael T. ROSE, Field Office Director of
Enforcement and Removal Operations,
Philadelphia Field Office, IMMIGRATION
AND CUSTOMS ENFORCEMENT;

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY;

Pamela BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW;

Jamal LAWRENCE, Warden of
PHILADELPHIA FEDERAL DETENTION
CENTER.

Respondents.

Case No. 2:26-cv-00189

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Vijay Punia is in the physical custody of Respondents at the Federal
3 Detention Center in Philadelphia. He now faces unlawful detention because the Department of
4 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have
5 concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, inter alia, having entered the United States without
7 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

8 3. Based on this allegation in Petitioner’s removal proceedings, DHS denied
9 Petitioner’s release from immigration custody, consistent with a new DHS policy issued on July
10 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider
11 anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without
12 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and
13 therefore ineligible to be released on bond.

14 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or
15 Board) issued a precedent decision, binding on all immigration judges, holding that an
16 immigration judge has no authority to consider bond requests for any person who entered the
17 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
18 The Board determined that such individuals are subject to detention under 8 U.S.C. §
19 1225(b)(2)(A) and therefore ineligible to be released on bond.

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration
21 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
22 were detained pursuant to an administrative warrant under § 1226(a) when they were
23 apprehended by ICE. Instead, upon arrest and detention by ICE of someone already residing in
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1 the interior of the United States, such individuals are still subject to § 1226(a), that allows for
2 release on conditional parole or bond. That statute expressly applies to people who, like
3 Petitioner, are charged as inadmissible for having entered the United States without inspection
4 and are residing inside the United States.

5 6. Respondents' new legal interpretation is plainly contrary to the statutory
6 framework and contrary to decades of agency practice applying § 1226(a) to people like
7 Petitioner.

8 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
9 immediately released, as his detention was unlawful from the start, or in the alternative, that
10 Respondents provide a bond hearing under § 1226(a) within seven days.

11 JURISDICTION

12 8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
13 Philadelphia Federal Detention Center in Philadelphia, Pennsylvania.

14 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
15 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
16 Constitution (the Suspension Clause).

17 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
18 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

19 VENUE

20 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
21 500 (1973), venue lies in the United States District Court for the Eastern District of
22 Pennsylvania, the judicial district in which Petitioner currently is detained.

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1 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
2 Respondents are employees, officers, and agencies of the United States, and because a
3 substantial part of the events or omissions giving rise to the claims occurred in the Eastern
4 District.

5 **REQUIREMENTS OF 28 U.S.C. § 2243**

6 13. The Court must grant the petition for writ of habeas corpus or order Respondents
7 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
8 order to show cause is issued, Respondents must file a return “within three days unless for good
9 cause additional time, not exceeding twenty days, is allowed.” *Id.*

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

16 **PARTIES**

17 15. Petitioner Punia is a citizen of India who has been in immigration detention since
18 January 7, 2026. After entering his home in Philadelphia looking for another individual, ICE
19 agents arrested Petitioner. ICE did not set bond, and Petitioner is unable to obtain review of his
20 custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec.
21 216 (BIA 2025).

22 16. Respondent Michael T. Rose is the Director of the Philadelphia Field Office of
23 ICE’s Enforcement and Removal Operations division. As such, Michael T. Rose is Petitioner’s
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1 immediate custodian and is responsible for Petitioner's detention and removal. He is named in
2 his official capacity.

3 17. Respondent Kristi Noem is the Secretary of the Department of Homeland
4 Security. She is responsible for the implementation and enforcement of the Immigration and
5 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
6 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

7 18. Respondent Department of Homeland Security (DHS) is the federal agency
8 responsible for implementing and enforcing the INA, including the detention and removal of
9 noncitizens.

10 19. Respondent Pamela Bondi is the Attorney General of the United States. She is
11 responsible for the Department of Justice, of which the Executive Office for Immigration Review
12 and the immigration court system it operates is a component agency. She is sued in her official
13 capacity.

14 20. Respondent Executive Office for Immigration Review (EOIR) is the federal
15 agency responsible for implementing and enforcing the INA in removal proceedings, including
16 for custody redeterminations in bond hearings.

17 21. Respondent Jamal Lawrence is employed by the Bureau of Prisons as Warden of
18 the Federal Detention Center where Petitioner is detained. Mr. Lawrence has immediate physical
19 custody of Petitioner. He is sued in his official capacity.

20 **FACTS**

21 22. Petitioner is a 31-year-old citizen and national of India.

22 23. Petitioner has resided in the United States since September 30, 2023, and lives in
23 Philadelphia, Pennsylvania.

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1 24. Petitioner fled India to seek asylum and related protections from persecution and
2 torture in the United States.

3 25. On or about September 30, 2023, Petitioner crossed the border into the United
4 States, and shortly thereafter was apprehended by immigration officials. On October 1, 2023, he
5 was released on his own recognizance pursuant to § 1226(a) of the INA. *See* Exh. A. He was
6 required to attend routine check-ins with ICE and attended all check-ins with ICE successfully
7 until ICE no longer required them. After entering the United States, Petitioner filed his asylum
8 application.

9 26. ICE has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. §
10 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

11 27. On January 7, 2026, Petitioner was arrested at his home in Philadelphia, PA. ICE
12 was searching for another noncitizen when they arrested Petitioner at his home.

13 28. Petitioner had attended check-ins without incident since he was required to do so.

14 29. Petitioner is now detained at the Federal Detention Center in Philadelphia, PA.

15 30. Additionally, DHS already determined that Petitioner was not a danger to the
16 community or risk of flight when they released him on his own recognizance in October 2023.
17 Nothing has occurred between that initial determination and Petitioner's detention on January 7,
18 2026 that would render him a danger to the community or a flight risk, and Respondents have not
19 furnished any explanation as to changed circumstances that would warrant Petitioner's re-
20 detention, outside of their own change in policy based on an incorrect interpretation of the
21 statute.

1 31. ICE detained him without explanation on January 7, 2026. Respondent's removal
2 proceedings and potential relief, including his asylum application, remain pending with the
3 immigration court.

4 32. Petitioner is gainfully employed at Uber and built a community of friends in the
5 United States. He lives with his wife and his 3-month-old son who is a U.S. Citizen, in addition
6 to several close friends, who rely on his income to support the household. He has never been
7 criminally arrested or apprehended by law enforcement, apart from his immigration arrest, and
8 has become a valued member of his community. Petitioner filed an application for asylum that
9 remains pending before the immigration court, evincing his eligibility for relief before the court.
10 Petitioner is neither a flight risk nor a danger to the community.

11 33. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
12 Petitioner's bond request because he entered the United States without inspection.

13 34. As a result, Petitioner remains in detention. Without relief from this court, he
14 faces the prospect of months, or even years, in immigration custody, separated from his wife,
15 young child, and community.

16 LEGAL FRAMEWORK

17 I. Section 1226(a) Governs the Detention of People Like Petitioner Who are Detained in 18 the United States and Have Not Previously Been Admitted

19 35. The INA prescribes three basic forms of detention for the vast majority of
20 noncitizens in removal proceedings.

21 36. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
22 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
23 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
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1 while noncitizens who have been arrested, charged with, or convicted of certain crimes are
2 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

3 37. Second, the INA provides for mandatory detention of noncitizens subject to
4 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
5 referred to under § 1225(b)(2).

6 38. Last, the INA also provides for detention of noncitizens who have been ordered
7 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

8 39. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

9 40. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
10 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
11 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section
12 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,
13 139 Stat. 3 (2025).

14 41. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
15 that, in general, people who entered the country without inspection were not considered detained
16 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
17 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
18 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

19 42. Thus, in the decades that followed, most people who entered without inspection
20 and were placed in standard removal proceedings received bond hearings, unless their criminal
21 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
22 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
23 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)

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1 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
2 “restates” the detention authority previously found at § 1252(a)). Even individuals who were
3 apprehended at the border and not immediately detained but placed in standard removal
4 proceedings under 8 U.S.C. § 1229a, would historically have been considered detained under
5 § 1226(a) should they alter been detained in the interior of the U.S., and thus eligible for bond
6 before an immigration judge.

7 43. On July 8, 2025, ICE Director Todd M. Lyons, “in coordination with” DOJ,
8 announced a new policy that rejected well-established understanding of the statutory framework
9 and reversed decades of practice. The policy states DHS had “revisited” its legal position and
10 believed that § 1225, not § 1226, governs the detention of noncitizens who are present in the
11 United States without having been admitted. *Diaz Martinez, Hyde*, No. 25-11613, 2025 WL
12 2084238, -- F. Supp. 3d --, at *4 (D. Mass. July 24, 2025).

13 44. The new policy, entitled “Interim Guidance Regarding Detention Authority for
14 Applicants for Admission,” claims that all persons who entered the United States without
15 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
16 policy applies regardless of when a person is apprehended and affects those who have resided in
17 the United States for months, years, and even decades.

18 45. On September 5, 2025, the BIA adopted this same position in a published
19 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
20 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are
21 ineligible for IJ bond hearings.

22 46. This followed a May 15, 2025, decision by the BIA holding an applicant for
23 admission arrested without a warrant while arriving in the United States and subsequently placed
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1 into removal proceedings is detained under 8 U.S.C. § 1225(b). *Matter of Q. Li*, 29 I&N Dec. 66
2 (BIA 2025).

3 47. Since Respondents adopted their new policies, dozens of federal courts have
4 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected
5 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

6 48. Subsequently, court after court has adopted the same reading of the INA's
7 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Rodriguez*
8 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-CV-
9 11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-
10 11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v.*
11 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025),
12 *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133
13 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL
14 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025
15 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW
16 (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM,
17 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025
18 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF,
19 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-
20 JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-
21 KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
22 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
23 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
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1 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
2 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
3 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
4 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
5 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2
6 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §
7 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
8 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
9 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same). This is just a sample of the
10 courts who have ruled on this issue. To date, there are at least 283 judges in courts across the
11 country who have found in favor of the petitioner on this issue. *See also* Exh. E.

12 49. This includes at least seven judges sitting in the Eastern District of Pennsylvania,
13 where this case arises. *See Demirel v. FDC Philadelphia, et al.*, No. 25-cv-05488 at *6 (E.D. Pa.
14 Nov. 18, 2025) (Diamond, J.); *Kashranov v. Jamison*, No. 25-cv-5555, 2025 WL 3188399 at *4
15 (E.D. Pa. Nov. 14, 2025) (Wolson, J.); *Cantu-Cortes v. O’Neill, et al.*, No. 25-cv-6338, 2025 WL
16 3171639, at *1 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Patel v. McShane, et al.*, No. 25-cv-5975
17 (E.D. Pa. Nov. 20, 2025) (Brody, J.); *Ndiaye v. Jamison, et al.*, No. 25-cv-6007 (E.D. Pa. Nov.
18 19, 2025) (Sanchez, J.); *Centeno-Ibarra v. Warden of the Federal Detention Center*
19 *Philadelphia, et al.*, No. 25-cv-06312 (E.D. Pa. Nov. 25, 2025) (Rufe, J.); *Juarez Velasquez v.*
20 *O’Neill, et al.* Np. 25-cv-06191 (E.D. Pa. Dec. 3, 2025) (Henry, J.).

21 50. Courts have uniformly rejected DHS’s and EOIR’s new interpretation, including
22 the BIA’s position in *Matter of Yajure Hurtado*, because it defies the INA. As the *Rodriguez*
23 *Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates
24

1 that § 1226(a), not § 1225(b), applies to people like Petitioner. DHS and DOJ’s longstanding
2 practice or providing bond hearing to individuals in this position further counsels against the
3 BIA’s abrupt change in policy. *Maldonado*, 2025 WL 2374411, at *11.

4 51. Section 1226(a) applies by default to all persons “pending a decision on whether
5 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
6 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

7 52. The text of § 1226 also explicitly applies to people charged as being inadmissible,
8 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
9 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
10 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress
11 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,
12 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*
13 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025
14 WL 1869299, at *7.

15 53. Section 1226 therefore leaves no doubt that it applies to people who face charges
16 of being inadmissible to the United States, including those who are present without admission or
17 parole.

18 54. Under the BIA’s interpretation, all noncitizens subject to inadmissibility grounds
19 are detained without the opportunity for a bond hearing under 8 U.S.C. § 1225(b). *Matter of*
20 *Yajure Hurtado*, 29 I&N Dec. at 220; *see* 8 U.S.C. § 1182(a)(6) (making people who are present
21 without having been admitted inadmissible); 8 U.S.C. § 1101(a)(14) (defining an admission).
22 Therefore, this interpretation would render all the grounds of mandatory detention in § 1226(c)
23 applying to inadmissible noncitizens, including the recently passed Laken Riley Act,
24

1 superfluous. *Gomes*, 2025 WL 1869299, at *7; *Rodriguez*, 779 F. Supp. 3d at 1258; see *Marx v.*
2 *Gen. Revenue Corp.*, 568 U.S. 371, 386 (2103) (“[T]he canon against surplusage is strongest
3 when an interpretation would render superfluous another part of the same statutory scheme.”).
4 This statutory structure demonstrates that Congress did not intend to make § 1226(a)
5 inapplicable to all inadmissible noncitizens but rather viewed it as the default bond provision for
6 people arrested within the United States.

7 55. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
8 recently entered the United States. The statute’s entire framework is premised on inspections at
9 the border of people who are “seeking admission” to the United States. 8 U.S.C.
10 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
11 applies “at the Nation’s borders and ports of entry, where the Government must determine
12 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
13 U.S. 281, 287 (2018).

14 56. The BIA’s interpretation “would render the phrase ‘seeking admission’ in 8
15 U.S.C. § 1225(b)(2)(A) mere surplusage.” *Lopez Benitez*, 2025 WL 2371588, at *6. That section
16 applies to people who are (1) applicants for admission; (2) seeking admission; and (3) not clearly
17 and beyond a doubt entitled to be admitted. 8 U.S.C. § 1225(b)(2)(A); *Lopez Benitez*, 2025 WL
18 2371588, at *6; *Diaz Martinez*, 2025 WL 2084238, at *2. The BIA’s interpretation makes all
19 applicants for admission subject to mandatory detention, leaving the “seeking admission”
20 criterion unnecessary and violating the rule against surplusage. *Lopez Benitez*, 2025 WL
21 2371588, at *6; *Diaz Martinez*, 2025 WL 2084238, at *6.

22 57. Instead, the phrase “seeking admission” indicates that § 1225(b)(2)(A) applies to
23 people who are taking “some sort of present-tense action,” in other words, coming or attempting
24

1 to come into the United States. *Diaz Martinez*, 2025 WL 2084238, at *6; *see also Matter of M-C-*
2 *D-V-*, 28 I&N Dec. 18, 23 (BIA 2020) (stating that “the use of the present progressive tense . . .
3 denotes an ongoing process”). Therefore, § 1226(a), not § 1225(b)(2)(A), governs the detention
4 of people detained within the United States who are not actively seeking admission, as required
5 by the statute.

6 58. Immigration officials and the Department of Justice (DOJ) have long taken the
7 position that immigration officials have broad discretion not to apply the detention and expedited
8 removal procedures § 1225(b), and whether to classify individuals encountered inside the United
9 States shortly after crossing the border as subject to § 1225(b) detention or § 1226(a) detention.
10 *See* Brief for Petitioners at 4-7 (No. 21-954), *Biden v. Texas*, 597 U.S. 785 (2022). The DOJ has
11 stated, “[t]he INA affords DHS multiple options for processing applications for admission,” and
12 that includes arrest and detention pursuant to § 1226(a). *See id.* at 4-5.

13 59. Finally, as discussed below, the BIA’s interpretation of § 1225(b)(2)(A) to
14 mandate detention without a bond hearing for all noncitizens present in the United States without
15 having been admitted presents serious constitutional concerns. Therefore, to the degree that the
16 statute remains ambiguous, the Court should presume that Congress “did not intend the
17 alternative which raises serious constitutional doubts” and reject that construction. *Clark v.*
18 *Martinez*, 543 U.S. 371, 381-82 (2005). Therefore, § 1226(a), which permits bond hearings, not
19 § 1225(b)(2)(A), which does not, governs the detention of people like Petitioner.

20 **II. The BIA’s Application of Mandatory Detention to Noncitizens Like Petitioner**
21 **Violates Substantive and Procedural Due Process**

22 60. “It is well established that the Fifth Amendment entitles [noncitizens] to due
23 process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting
24 *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government

1 custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the
2 Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* at 718
3 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes protection against
4 unlawful or arbitrary personal restraint or detention.”). This fundamental due process protection
5 applies to all noncitizens within the United States, including both removable and inadmissible
6 noncitizens. *See id.* at 693; *Plyler v. Doe*, 457 U.S. 202, 212 (1982); *Wong Wing v. United States*,
7 163 U.S. 228, 238 (1896).

8 61. Absent adequate procedural protections, substantive due process requires a
9 “special justification” that “outweighs the individual’s constitutionally protected interest in
10 avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690; *accord, e.g., Torralba v. Knight*, No.
11 2:25-cv-1366, 2025 WL 2581792, at *12 (D. Nev. Sept. 5, 2025) (describing the standard for a
12 substantive due process violation); *Fernandez v. Lyons*, No. 8:25-cv-506, 2025 WL 2531539, at
13 *4 (D. Neb. Sept. 3, 2025) (same). In the immigration context, the Supreme Court has
14 recognized only two valid purposes for civil detention—to mitigate the risks of danger to the
15 community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528. Thus, to withstand constitutional
16 scrutiny, the nature and duration of mandatory immigration detention must be reasonably related
17 to these purposes.

18 62. In *Demore*, the Supreme Court upheld the constitutionality of § 1226(c) against a
19 facial challenge, specifically citing evidence that had been before Congress about noncitizens
20 with criminal convictions. 538 U.S. at 518-520. This justification does not apply, however, to
21 noncitizens with no criminal record whatsoever who have lived in the community for years. The
22 broad policy set forth in *Matter of Yajure Hurtado* is not reasonably related to the purposes of
23 prevent danger to the community or flight risk and violates substantive due process.

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1 63. Additionally, procedural due process protects noncitizens against deprivation of
2 liberty without adequate procedural protections, including notice and the opportunity to be heard.
3 *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025);
4 *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). In determining the proper procedure
5 to protect a detained noncitizen’s procedural due process rights under the Fifth Amendment,
6 courts apply the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976),
7 weighing (1) “the private interest that will be affected by the official action;” (2) “the risk of an
8 erroneous deprivation of such interest through the procedures used, and the probable value, if
9 any, of additional or substitute procedural safeguards;” and (3) “the Government’s interest,
10 including the function involved and the fiscal and administrative burdens that the additional or
11 substitute procedural requirement would entail.” *Black v. Decker*, 103 F.4th 133, 147-48 (2d Cir.
12 2024); *Gayle v. Warden Monmouth C’ty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021);
13 *Hernandez-Lara*, 10 F.4th at 28; *Velasco Lopez*, 978 F.3d at 851 (all quoting *Mathews*, 424 U.S.
14 at 335). Here, the BIA’s interpretation of the statute to require detention of all people in the
15 United States without having been admitted deprives them of their liberty without any
16 individualized process to determine whether such detention is necessary to prevent flight risk or
17 danger to the community, and therefore violates due process.

18 64. First, the “importance and fundamental nature” of an individual’s liberty interest
19 is well-established. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *see also Ashley*, 288 F.
20 Supp. at 670 (“[F]reedom from confinement is a liberty interest of the highest constitutional
21 import.”). For people “who can face years of detention before resolution of their immigration
22 proceedings, ‘the individual interest at stake is without doubt particularly important.’” *Linares*
23 *Martinez v. Decker*, No. 18-cv-6527 (JMF), 2018 WL 5023946 at *3 (S.D.N.Y. Oct. 17, 2018).

1 65. Weighing this factor in *Velasco Lopez*, the Second Circuit found the private
2 interest to be “on any calculus, substantial,” observing that the petitioner, “could not maintain
3 employment or see his family or friends or others outside normal visiting hours. The use of a cell
4 phone was prohibited, and he had no access to the internet or email and limited access to the
5 telephone.” 978 F.3d at 851-52. Similarly, the First Circuit found a substantial private liberty
6 interest for the petitioner in *Hernandez-Lara*, noting that the petitioner there was incarcerated
7 “alongside criminal inmates” at a jail where “she was separated from her fiancé and unable to
8 maintain her employment.” 10 F.4th at 28.

9 66. Second, absent any individualized bond hearing, people will be detained despite
10 not being a danger to the community or a flight risk, because there is no mechanism to determine
11 whether their detention is necessary. *See, e.g., Günaydin v. Trump*, No. 25-cv-1151, 2025 WL
12 1459154, -- F. Supp. 3d --, at *8 (D. Minn. May 21, 2025) (noting that lack of consideration of
13 “individualized or particularized facts . . . increases the potential for erroneous deprivation of
14 individuals’ private rights”); *Ashley*, 28 F. Supp. 2d at 670 (finding a procedural due process
15 violation because “the Government has not proved that Petitioner presents an identified and
16 articulable threat to an individual or the community so as to justify his continued detention”). A
17 bond hearing would have significant value because it is designed to assess the individualized
18 facts of each case and determine whether less restrictive measures can fulfill the same goals.

19 67. Finally, the burden on the government of returning to the longstanding practice of
20 holding bond hearings for people like Petitioner does not outweigh the liberty interest at stake.
21 To the contrary, the government has an interest in “minimizing the enormous impact of
22 incarceration in cases where it serves no purpose.” *Velasco Lopez*, 978 F.3d at 854; *see also*
23 *Hernandez-Lara*, 10 F.4th at 33 (noting that “limiting the use of detention to only those
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1 noncitizens who are dangerous or a flight risk may save the government, and therefore the
2 public, from expending substantial resources on needless detention”). Additionally, “unnecessary
3 detention imposes substantial societal costs. . . . The needless detention of those individuals thus
4 separates families and removes from the community breadwinners, caregivers, parents, siblings
5 and employees. Those ruptures in the fabric of communal life impact society in intangible ways
6 that are difficult to calculate in dollars and cents.” *Hernandez-Lara*, 10 F.4th at 33 (citation and
7 internal quotation marks omitted). The cost to the government and society of detaining people
8 unnecessarily for long periods of time is greater than the cost of providing individualized
9 hearings, and weighs in favor of additional procedural protections.

10 68. At these bond hearings, due process requires that the Government bear the burden
11 of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 (“[W]hen such a severe
12 deprivation is at issue, the Government must bear the burden of proof.”). “A standard of proof
13 serves to allocate the risk of error between the litigants and reflects the relative importance
14 attached to the ultimate decision.” *German Santos v. Warden Pike C’ty Corr. Facility*, 965 F.3d
15 203, 213 (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). Therefore, when the Third
16 Circuit has ordered a constitutionally required bond hearing, it is placed the burden on the
17 government by clear and convincing evidence. *German Santos*, 965 F.3d at 214; *Guerrero-*
18 *Sanchez v. Warden York C’ty Prison*, 905 F.3d 208, 224 & n.12 (3d Cir. 2018), *abrogated on*
19 *other grounds by Johnson v. Arteaga-Martinez*, 596 U.S. 572 (2022). Other circuit courts have
20 similarly held that due process requires this allocation of the burden in bond hearings for
21 noncitizens like petitioner, who were then detained under § 1226(a). *Hernandez-Lara*, 10 F.4th
22 at 39-40; *Velasco Lopez*, 978 F.3d at 855-56. Thus, even if the statute requires detention without
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1 a bond hearing, due process requires a hearing at which the government bears the burden by
2 clear and convincing evidence.

3 69. Once released from immigration custody, due process requires that a person like
4 Petitioner receive a hearing before a neutral decisionmaker to determine whether any re-
5 detention is justified, and whether the person is a flight risk or danger to the community.

6 70. Consistent with this principle, individuals released on parole or other forms of
7 conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408
8 U.S. 471, 482 (1972).

9 71. Such liberty is protected by the Fifth Amendment because, “although
10 indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to
11 be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the
12 [released individual] and often on others.” *Id.*

13 72. To guarantee against arbitrary re-detention and to guarantee the right to liberty,
14 due process requires “adequate procedural protections” that ensure the government’s asserted
15 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
16 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

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

3 74. Several courts have recognized that these principles apply with respect to the re-
4 detention of the many noncitizens that DHS has begun taking back into custody, often after such
5 persons have been released for months and years.

6 75. In *E.A. T.-B.*, the district court in the Western District of Washington applied the
7 test set forth in *Mathews v. Eldridge* to hold that even in a case where the government argued
8 mandatory detention applied, a person’s re-detention required a hearing and that the petitioner
9 had “undoubtedly [been] deprive[d] ... of an established interest in his liberty.” *E.A. T.-B. v.*
10 *Wamsley*, No. 25-cv-1192, 2025 WL 2402130, at *3 (W.D. Washington). The Court further
11 explained that even if detention was mandatory, the risk of erroneous deprivation of liberty
12 without a hearing was high because a hearing serves to ensure that the purposes of detention—
13 the prevention of danger and flight risk—are properly served. *Id.* at *4–5.

14 76. Finally, the Court explained that “the Government’s interest in re-detaining non-
15 citizens previously released without a hearing is low: although it would have required the
16 expenditure of finite resources (money and time) to provide Petitioner notice and hearing on
17 [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the
18 risk of erroneous deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court
19 ordered the petitioner’s immediate release. *Id.* at *6.

20 77. The decision in *E.A. T.-B.* is consistent with many other district court decisions
21 addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL
22 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation
23 hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D.
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1 Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL
2 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB,
3 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar); *Mata Velasquez v. Kurzdorfer*, ---
4 F.Supp.3d ---, 2025 WL 1953796, *17 (W.D.N.Y. July 16, 2025) (detention of parolee without
5 a reasoned explanation or changed circumstances and without a meaningful opportunity to be
6 heard violates due process); *Rodriguez Cabrera v. Mattos*, 2025 WL 3072687 (D Nev. Nov. 3,
7 2025); *Fernandez Lopez v. Wofford*, 2025 WL 2959319, *4 (E.D. Ca. Oct. 17, 2025)
8 (unpub) (finding a non-citizen granted parole at the border has a liberty interest in her
9 conditional release and that such a parolee has a implicit right entitlement to remain at liberty if
10 she complies with the conditions of her parole); *Noori v. Larose*, 2025 WL 2800149, *10 (S.D.
11 Ca. Oct. 1, 2025) (unpub) (parolee developed a private interest in remaining free in the one year
12 he has resided in the United States since entry); *Munoz Materano v. Arteta*, 2025 WL 2630826,
13 *13 (S.D.N.Y. Sept. 12, 2025) (unpub); *Ramirez Tesara v. Wamsley*, --- F.Supp.3d ---, 2025
14 WL 2637663, *3 (W.D. Wash. Sept. 12, 2025) (finding that parolee's liberty interest did not
15 expire with his parole agreement); *see also Y-Z-L-H- v. Bostock*, --- F.Supp.3d ---, 2025 WL
16 1898025, *14 (D. Ore. July 9, 2025) (finding detention of a parolee who had not completed his
17 asylum process to be arbitrary and capricious and ordering immediate release).

18 78. The same framework and principles apply here and compel Petitioner's
19 immediate release.

20 **CLAIMS FOR RELIEF**

21 **COUNT I**
22 **Violation of the INA**

23 79. Petitioner incorporates by reference the allegations of fact set forth in the
24 preceding paragraphs.

1 80. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
2 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
3 relevant here, it does not apply to Petitioner, who previously entered the country and was
4 apprehended by ICE, was both released on recognizance pursuant to § 1226 and paroled out of
5 immigration custody at the border, was subsequently placed into removal proceedings, and has
6 been residing inside the United States before their detention. Such noncitizens are detained under
7 § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

8 81. The fact that Petitioner was previously detained and released at the border does
9 not undermine this conclusion.

10 82. In any event, that initial arrest “is not what is at issue in this case,” rather it is his
11 2025 arrest and detention. *See Lopez Benitez*, 2025 WL 2371588. Even if Petitioner was
12 “seeking admission” within the meaning of § 1252(b)(2)(A) at the time of his entry and initial
13 apprehension, he was no longer engaged in that “present-tense action” when he was arrested in
14 Philadelphia on January 7, 2026, and therefore no longer meets the requirements of §
15 1252(b)(2)(A) discussed above. *See Diaz Martinez*, 2025 WL 2084238, at *6.

16 83. Petitioner is detained under § 1226(a) and is eligible for release on bond.
17 Respondents’ unlawful application of § 1225(b)(2) to Petitioner violates the INA.

18 **COUNT II**

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

20 84. Petitioner incorporates by reference the allegations of fact set forth in preceding
21 paragraphs.

22 85. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
23 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
24 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the

1 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present
2 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
3 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323
4 (emphasis added). The agencies thus made clear that individuals who had entered without
5 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
6 1226 and its implementing regulations.

7 86. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
8 practice of applying § 1225(b)(2) to individual like Petitioner.

9 87. The regulation at 8 C.F.R. § 1003.19 lays out bond procedures, and
10 § 1003.19(h)(2) delineates categories of noncitizens who are subject to mandatory detention and
11 not entitled to a bond hearing. The fact that noncitizens within the United States who are subject
12 to inadmissibility grounds are not included on this list shows that the agencies did not intend
13 them to be subject to mandatory detention. The BIA’s interpretation thus violates the regulations
14 and unlawfully denies Petitioner a bond hearing.

15 88. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
16 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

17 **COUNT III**

18 **Violation of Substantive Due Process under the Fifth Amendment**

19 89. Petitioner repeats, re-alleges, and incorporates by reference each and every
20 allegation in the preceding paragraphs as if fully set forth herein.

21 90. The government may not deprive a person of life, liberty, or property without due
22 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
23 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
24 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Substantive due process requires

1 that immigration detention without a bond hearing be reasonably related to the goals of ensuring
2 the appearance of noncitizens at future proceedings and preventing danger to the community.
3 *Zadvydas*, 533 U.S. at 690.

4 91. The BIA's application of mandatory detention under § 1225(b)(2) is not
5 reasonably related to those goals and thus violates substantive due process. Petitioner has a
6 fundamental interest in liberty and being free from official restraint. Petitioner has routinely
7 appeared at ICE for his check-ins since his arrival in the United States, has never missed a
8 required check-in, interview, or court hearing, and has kept his address updated with ICE and the
9 immigration court. He has also never been criminally arrested anywhere in the world, and there
10 is no evidence his release would pose a danger to the community.

11 92. The government's detention of Petitioner without a bond redetermination hearing
12 to determine whether he is a flight risk or danger to others violates his right to due process.

13 **COUNT IV**

14 **Violation of Procedural Due Process under the Fifth Amendment**

15 93. Petitioner re-alleges and incorporates by reference the above paragraphs.

16 94. The Due Process Clause of the Fifth Amendment forbids the government from
17 depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. Courts
18 apply the *Mathews v. Eldridge* balancing test to determine what procedures the due process
19 clause requires. *Gayle*, 12 F.4th at 331.

20 95. The first factor is the private interest that will be affected by the official action. *Id.*
21 Here, the deprivation of Petitioner's liberty is a particularly weighty interest. It is well
22 established that individuals have a liberty interest in their continued liberty and freedom from
23 restraint. *Salerno*, 481 U.S. at 750; *see also Ashley*, 288 F. Supp. at 670. This is especially true
24 given the fact that Petitioner was already determined to not be a danger to the community or a

1 risk of flight when he was initially paroled from ICE detention. He relied on this interest in his
2 liberty by finding gainful employment, renting a house to live in, and becoming a value member
3 of his community. This freedom from unlawful restraint is the heart of the liberty interest
4 protected by the Fifth Amendment.

5 96. The second factor is the risk of erroneous deprivation of such interest through the
6 procedures used, and the probable value, if any, of additional safeguards. *Id.* Here, there is a
7 great risk of unnecessary detention because the BIA's interpretation of the statute does not
8 permit any individualized determination of whether detention during removal proceedings is
9 necessary. *See Ashley*, 288 F. Supp. 2d at 670. At a hearing, Petitioner could show that his
10 detention is not necessary because he is not a danger to the community and is not a flight risk.
11 He has appeared for all required check-ins, appointments, and hearings since his arrival in the
12 United States, has relief pending before the court, and has never been criminally arrested thus
13 poses no danger to the community. A hearing at which the government bears the burden of proof
14 by clear and convincing evidence would protect the substantial liberty interest at stake. *German*
15 *Santos*, 965 F.3d at 213-14.

16 97. The final factor is the Government's interest. *Gayle*, 12 F.4th at 331. The
17 government has no legitimate interest in detaining Petitioner when detention is not necessary to
18 ensure appearance at future hearings or protect the community, and less restrictive measures like
19 continued ICE check-ins or a reasonable bond would serve those purposes. *Hernandez-Lara*, 10
20 F.4th at 32-33; *see Ousman D. v. Decker*, No. 20-9646, 2020 WL 5587441, at *4 (holding that
21 due process requires consideration of less restrictive alternatives to detention that would address
22 the government's legitimate purpose); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 241-42
23 (W.D.N.Y. 2019) (same). Therefore, the government does not have an interest in detaining
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1 Petitioner without a bond hearing that outweighs his substantial liberty interest in such an
2 individualized determination.

3 98. Due process does not permit the government to strip Petitioner of his liberty
4 without written notice and a hearing before a neutral decisionmaker to determine whether re-
5 detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such
6 written notice and a hearing must occur *prior* to any re-detention.

7 99. Respondents revoked Petitioner’s release and deprived him of liberty without
8 providing him any written notice or meaningful opportunity to be heard by neutral
9 decisionmaker prior to his re-detention.

10 100. Accordingly, Petitioner’s re-detention without any hearing to determine whether
11 that detention is necessary violates the Due Process clause of the Fifth Amendment and warrants
12 his immediate release from detention without the need for a bond hearing.

13 **PRAYER FOR RELIEF**

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

- 15 a. Assume jurisdiction over this matter;
- 16 b. Order that Petitioner shall not be transferred outside the Eastern District of
17 Pennsylvania while this habeas petition is pending;
- 18 c. Order that the Petitioner not be ordered removed from United States during the
19 pendency of these proceedings;
- 20 d. Issue an Order to Show Cause ordering Respondents to show cause why this
21 Petition should not be granted within three days;
- 22 e. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner from
23 custody immediately and permanently enjoining his re-detention absent written
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1 notice and a hearing prior to re-detention where Respondents must prove by clear
2 and convincing evidence that he is a flight risk or danger to the community and
3 that no alternatives to detention would mitigate those risks, or, in the alternative,
4 provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within
5 seven days;

- 6 f. Declare that Petitioner is detained pursuant to 8 U.S.C. § 1226(a);
- 7 g. Declare that Petitioner’s detention violates the Immigration and Nationality Act
8 and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- 9 h. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
10 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
11 law; and
- 12 i. Grant any other and further relief that this Court deems just and proper.

13
14 **VERIFICATION BY SOMEONE ACTING ON PETITIONER’S BEHALF PURSUANT**
15 **TO 28 U.S.C. § 2242**

16 I am submitting this verification on behalf of the Petitioner because I am one of Petitioner’s
17 attorneys, and I have discussed the claims with Petitioner’s legal team. Based on those discussions,
18 I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are
19 true and correct to the best of my knowledge.

20 DATED this 12th of January 2026.

21 /s/ Erin O’Brien
22 Erin O’Brien, Esq. (PA 332093)
23 Global Immigration Legal Team
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Attorney for Petitioner

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5 IN THE UNITED STATES DISTRICT COURT FOR
6 THE EASTERN DISTRICT OF PENNSYLVANIA

7 VIJAY PUNIA

8 v.

9 ROSE, ET AL.

Case No. 2:26-cv-00189

10 **PETITION FOR WRIT OF
HABEAS CORPUS**

11 **EXHIBIT LIST**

<u>Exhibit</u>	<u>Page</u>
A. October 1, 2023 Order of Release on Recognizance, stating Petitioner was arrested and placed in removal proceedings, but is being released on his own recognizance in accordance with section 236 of the INA;	1
B. October 1, 2023 Form OREC G-56, requiring Petitioner to report to the local ICE office within 60 days of his release on his own recognizance;	2
C. Notice to Appear, dated October 1, 2023, stating Petitioner is an alien present without admission or parole;	3-5
D. Printout of ICE Detainee Locator, evincing Petitioner is housed at the Federal Detention Center in Philadelphia, PA;	6
E. Appendix of District Court Cases having heard this issue.	7-20