

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

**LENIN ALEXANDER FUNEZ
MURILLO**

Plaintiff/Petitioner,

Case No.: 3:26-cv-00065

v.

KRISTI NOEM as Secretary for the Department of Homeland Security (DHS); **TODD M. LYONS** as Acting Director Miami Field Office, Enforcement and and Removal Operations (ERO), Department of Homeland Security; **PAMELA J. BONDI** as United States Attorney General; **US ATTORNEY'S OFFICE**, Middle District of Florida; and, **RONNIE WOODALL** as Warden of Baker Correctional Institute in Sanderson, Florida,

Respondents/Defendants.


**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241 AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW the Plaintiff/Petitioner, **LENIN ALEXANDER FUNEZ MURILLO**, by and through undersigned counsels, respectfully, and hereby brings this Petition for a Writ of Habeas Corpus.

IN SUPPORT OF THIS PETITION, Plaintiff/Petitioner alleges the following:

INTRODUCTION

1. The Plaintiff/Petitioner respectfully petitions this Court for a writ of habeas corpus to remedy his unlawful detention by the U.S. Department of Homeland Security.
2. The Plaintiff/Petitioner is a citizen and national of Honduras who entered the United States without inspection on or around August 2012, at age 13. See **Exhibit No. 1**, passport. Since his entry to the United States in 2012, Plaintiff/Petitioner has lived in the United States, approximately for more than 13 years.
3. Despite not being subject to mandatory detention, the Plaintiff/Petitioner is being detained without bond at the Baker Correctional Institute in Sanderson, Florida, under a recent policy that categorically denies bond hearings to certain noncitizens. The policy was recently declared unlawful by a federal district court in a nationwide class action judgement. See *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025).
4. The Plaintiff/Petitioner is a member of the eligible class certified in *Maldonado Bautista*. As such, the Respondents/Defendants must afford him a bond hearing pursuant to 8 U.S.C. § 1226(a).

5. Relying on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) the Executive Officer for Immigration Review (“EOIR”) has been denying motions for bond to immigrants who entered the U.S. without inspection.
6. The Plaintiff/Petitioner is eligible for immigration relief in the form of cancellation of removal pursuant to 8 U.S.C. § 1229b(b) because he has continuously maintained physical presence in the U.S. for more than ten years, is a person of good moral character, was not convicted of any crimes who would disqualify him for said application, and his removal would result in exceptional and extremely unusual hardship to his United States citizen (“USC”) son, D , who is only 1.5 years old. See **Exhibit No. 2**, USC son’s birth certificate.
7. On or around October 26, 2025, the Plaintiff/Petitioner was detained after a traffic stop conducted by the St. John’s County police, in Florida. See **Exhibit No. 3**, St. John’s County, Florida, docket report. The Department of Homeland Security issued a hold and a warrant for his arrest under section 236 of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1226. See **Exhibit No. 4**, Form I-200, Warrant for Arrest of Alien; **Exhibit No. 5**, Form I-203, Order to Detain or Release alien.
8. On November 18, 2025, the Plaintiff/Petitioner entered a plea of *nolo contendere* to state charges of dangerous excessive speeding, possession of cannabis (under 20 grams), and driving without a license, all of which

are considered misdemeanors. The state court adjudicated him guilty and sentenced him to 24 days in the County Jail for each count, to run concurrently, with 24 days credit for time served. See **Exhibit No. 6**, sentence/judgment. After he completed his sentence, he was transferred to ICE custody and has been detained since.

9. The Plaintiff/Petitioner challenges his detention as a violation of the INA, 8 U.S.C. §§ 1101 *et seq.*, and regulations, thereunder, Administrative Procedure Act (“APA”), and the Due Process Clause of the Fifth Amendment.
10. The Petitioner/Plaintiff/Petitioner respectfully requests *inter alia* that this Honorable Court grant him a Writ of Habeas Corpus and order the Defendants/Respondents to release him from custody, and order other relief as described herein.

JURISDICTION

11. This action arises under the United States Constitution and the INA. This Honorable Court has jurisdiction over this complaint pursuant to: 28 U.S.C. § 1651 (the All Writs Act); 28 U.S.C. § 2241 (power to grant Writ of Habeas Corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (United States Defendant); 28 U.S.C. § 1361 (jurisdiction to compel an officer to perform a duty owed to Plaintiff/Petitioner, the Mandamus Act); 5 U.S.C. § 555(b), 5 U.S.C. § 702 (APA waiver of

sovereign immunity), 5 U.S.C. § 704 (no other adequate remedy) and 5 U.S.C. § 706 (compel agency action unlawfully withheld or unreasonably delayed), APA. The Plaintiff/Petitioner's custody is in violation of the Constitution and laws of the United States.

VENUE

12. Venue is proper in this Middle District of Florida under 28 U.S.C. § 1391(b), 28 U.S.C. § 1391(e)(1) (United States defendant resides in this district), 28 U.S.C. § 1391(e)(2) (cause of action arose in this district), and 28 U.S.C. § 1391(e)(4) (Plaintiff/Petitioner resides in this district and no real property is at issue).
13. The Plaintiff/Petitioner is in the Defendants/Respondents' physical custody within this district at the Baker Correctional Institute in Sanderson, Florida, a Florida state prison and now immigration detention center under the direct control of the Defendants/Respondents and their agents.

PARTIES

14. Plaintiff/Petitioner LENIN ALEXANDER FUNEZ MURILLO is a citizen and national of Honduras in the Defendants/Respondents' physical custody. The Defendants/Respondents have assigned him File No. A



15. The Plaintiff/Petitioner brings a suit against **KRISTI NOEM** in her official capacity as Secretary for the Department of Homeland Security (DHS). In this official capacity, she is a legal custodian of the Plaintiff/Petitioner.
16. The Plaintiff/Petitioner brings a suit against **TODD M. LYONS** in his official capacity as Acting Director Miami Field Office, Enforcement and and Removal Operations (ERO), Department of Homeland Security. In this official capacity, he is a legal custodian of the Plaintiff/Petitioner.
17. The Plaintiff/Petitioner brings a suit against **PAMELA J. BONDI** in her official capacity as United States Attorney General. In this official capacity, she is a legal custodian of the Plaintiff/Petitioner.
18. The Plaintiff/Petitioner brings a suit against **UNITED STATES ATTORNEYS OFFICE** in the Middle District of Florida as a defendant in this action solely in its official capacity as the legal representative of the United States government.
19. The Plaintiff/Petitioner brings a suit against **RONNIE WOODALL** in his official capacity as Warden of Baker Correctional Institute in Sanderson, Florida. In this official capacity, he is a legal custodian of the Plaintiff/Petitioner.

CUSTODY

20. The Plaintiff/Petitioner is in the Defendants/Respondents' physical custody within this district at the Baker Correctional Institute in Sanderson, Florida, an immigration detention center under the direct control of the Defendants/Respondents and their agents.

LEGAL BACKGROUND

A. The Exhaustion of Administrative Remedies would be futile

21. The Plaintiff/Petitioner is excused from exhausting administrative remedies because exhaustion would be futile and would cause irreparable harm.
22. The Board of Immigration Appeals ("BIA") has issued a binding precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that individuals who entered without inspection are "applicants for admission" subject to mandatory detention under § 1225(b)(2).
23. An Immigration Judge is bound by *Yajure Hurtado* and would be compelled to deny jurisdiction over a bond request. Such continued detention without a hearing constitutes irreparable harm involving the deprivation of fundamental liberty interests.

B. District Courts throughout the US have rejected Defendants/Respondents' policy

24. The government's sweeping reinterpretation – treating long-present noncitizens who entered without inspection (EWI) as mandatory detainees – has been widely condemned as unlawful under the INA and contrary to due process. Since the policy's introduction, “over 220 judges in hundreds of cases across the country have declared the government's new detention policy to be contrary to immigration law and the Constitution”.¹ The “vast majority of district court judges” to consider this issue have “rejected the government's position,” instead holding that individuals who were not apprehended at the time of entry are detained under 8 U.S.C. § 1226(a) (the general arrest-and-detention authority for those already in the country) and thus are eligible for a bond hearing.² In other words, numerous courts have ruled that DHS's attempt to collapse all EWI cases into the “applicant for admission” category of §1225 is inconsistent with the statutory text and framework. See

¹ - Cf. American Civil Liberties Union, *Federal Court Affirms Nationwide Class Has Right to Bond Hearings*. December 22, 2025. Available at: <https://www.aclu.org/press-releases/federal-court-affirms-nationwide-class-has-right-to-bond-hearings>.

² - See American Civil Liberties Union and the Northwest Immigrant Rights Project, *Seeking Bond Hearings for Maldonado Bautista Class Members – Those Who Entered Without Inspection and Are Subject to Yajure-Hurtado*. December 3, 2025. Available at: https://www.nwirp.org/uploads/2025/Maldonado%20Bautista%20Practice%20Advisory_12%203%202025.pdf

Exhibit No. 7, list of cases finding detention for long-time residents in the United States unlawful under 8 U.S.C. § 1225 and applying 8 U.S.C. § 1226(a).

C. The Plaintiff/Petitioner is a member of the *Maldonado Bautista Class* and is entitled to a bond hearing

25. On December 18, 2025, the U.S. District Court for the Central District of California entered a Final Judgment in *Maldonado Bautista v. Santacruz*.
26. The court certified a nationwide "Bond Eligible Class" defined as:

Bond Eligible Class: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under § 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

The U.S. District Court for the Central District of California vacated the July 8, 2025 DHS policy "Interim Guidance Regarding Detention Authority for Applicants for Admission" as unlawful.

27. The U.S. District Court for the Central District of California declared that members of the Bond Eligible Class are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2). The Court further declared that class members are entitled to custody redetermination hearings before an Immigration Judge.

28. The Plaintiff/Petitioner meets every criterion of the Bond Eligible Class: he entered without inspection (EWI), was not apprehended upon arrival (having lived here since 2012), and is not subject to mandatory detention under § 1225(b)(2).
29. Despite the clear declaratory relief issued on behalf of the class in *Maldonado Bautista*, the DHS and the EOIR have not voluntarily complied nationwide.

D. Due Process, Statutory, and Regulatory Rights

30. “Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause.” *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
31. Immigration detention must “bear a reasonable relation to the purpose for which the individual was committed.” *See Demore v. Kim*, 538 U.S. 510, 527 (2003).
32. Moreover, under the Fifth Amendment of the United States Constitution, DHS and the EOIR may not deprive a noncitizen of notice and an opportunity to be heard. *See Mathews v. Elridge*, 424 U.S. 319 (1976).

E. The APA

33. Federal Agencies must comply with the APA when crafting and enforcing decisions, regulations, and legislative rules. 5 U.S.C. § 553.

34. Courts have authority to review and invalidate final agency actions that are not in accordance with the law, exceed agency authority, lack substantial evidence, or are arbitrary and capricious. 5 U.S.C. § 706.
35. Under the APA, this Honorable Court has authorization to compel agency action that has been unreasonably delayed. 5 US.C. § 706(1).
36. An agency must “conclude a matter presented to it [...] within a reasonable time”. 5 U.S.C. § 555(b).
37. “A person suffering legal wrong because of agency action [...] is entitled to judicial review thereof.” 5 U.S.C. § 702.

STATEMENT OF THE FACTS

38. Plaintiff/Petitioner entered the United States in 2012 without presenting himself for inspection at a port of entry. Since that time, he has resided continuously in the United States, establishing his home and life in Jacksonville, Florida. Plaintiff/Petitioner is now 27 years old. He has formed a family in the United States. Notably, Plaintiff/Petitioner’s son – who is a little over one year old – is a United States citizen. Plaintiff/Petitioner is the primary caregiver and financial supporter of his young USC child. Petitioner’s detention is causing significant hardship to his U.S. citizen family, as his absence deprives his infant son of paternal care and support.

39. On October 26, 2025, Plaintiff/Petitioner was taken into custody in St. Johns County, Florida, following a traffic stop. He was charged with excessive speeding, possession of not more than 20 grams of cannabis, and driving without a license. On November 18, 2025, Plaintiff/Petitioner entered a plea of *nolo contendere* and was adjudicated guilty. He was sentenced to 24 days in the county jail, with 24 days of credit for time served. Following the resolution of his state charges, the Plaintiff/Petitioner was transferred to ICE custody. ICE then served Plaintiff/Petitioner with a Notice to Appear, placing him in removal proceedings. ICE chose to detain Petitioner at the Baker Correctional Institute in Sanderson, Florida. At the time of ICE's initial custody determination, Plaintiff/Petitioner was not provided any opportunity for release on bond. Plaintiff/Petitioner's immigration counsel promptly requested copies of all documents related to this custody determination, but ICE only provided a copy of the voluntary departure forms. Moreover, ICE directed immigration counsel to file a FOIA request. See **Exhibit No. 8**, Email to and from ICE. Since then, ICE has rescinded the voluntary departure and issued a Notice to Appear for the Plaintiff/Petitioner. See **Exhibit No. 9**, Notice to Appear.
40. Other than the state charges resulting from this traffic stop in October 2025, Plaintiff/Petitioner is a law-abiding individual with good moral

character, as evidenced by his role as a devoted father and his lack of prior criminal record.

41. Removal proceedings against him are pending with the Orlando Immigration Court where he anticipates applying for relief in the form of Cancellation of Removal for certain nonpermanent residents under INA § 240A(b)(1).
42. Petitioner has never been convicted of a crime involving moral turpitude, an aggravated felony, or any offense that would otherwise subject him to mandatory detention under 8 U.S.C. § 1226(c).
43. It is the Plaintiff/Petitioner's understanding that the Orlando Immigration Court relying on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as well as *Matter of E-L-H-*, 23 I&N Dec. 814 (BIA 2005), is not affording bond hearings to similarly situated persons to review ICE's custody decision or set a bond.

CAUSES OF ACTION

COUNT I

DEFENDANTS/RESPONDENTS HAVE VIOLATED THE INA, AND THE REGULATIONS

44. Petitioner incorporates paragraphs 1 through 43.
45. The plain text of 8 U.S.C. § 1225(b)(2) applies to aliens "seeking admission." The Supreme Court has recognized that § 1225 applies to

those at the border, while § 1226 applies to those already present in the United States. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

46. Plaintiff/Petitioner, having resided in the U.S. for 13 years, is not "seeking admission" in any temporal sense.
47. As established by the binding judgment in *Maldonado Bautista*, Petitioner's detention is governed by 8 U.S.C. § 1226(a). Under this statute, detention is discretionary, and Petitioner is entitled to a bond hearing.
48. Defendants/Respondents' detention of Petitioner under § 1225(b)(2) is *ultra vires* to the INA and unlawful.

COUNT II

DEFENDANTS/RESPONDENTS HAVE VIOLATED THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

49. Petitioner incorporates paragraphs 1 through 48.
50. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Freedom from physical restraint is a fundamental liberty interest.
51. Due process requires that civil detention be accompanied by adequate procedural safeguards, including an individualized hearing before a neutral decisionmaker to determine if detention is necessary to prevent flight or danger. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

52. By classifying Plaintiff/Petitioner for mandatory detention without a hearing, Defendants/Respondents have deprived him of his liberty without due process.
53. The government cannot justify this deprivation. There is no compelling interest in detaining a long-term resident with no serious criminal history without even considering his release, particularly when less restrictive alternatives exist.

COUNT III

DEFENDANTS/RESPONDENTS HAVE VIOLATED THE APA

54. Petitioner incorporates paragraphs 1 through 53.
55. The APA prohibits agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).
56. Defendants/Respondents' continued application and reliance on policy that was vacated by the U.S. District Court for the Central District of California in *Maldonado Bautista* is unlawful.
57. Defendants/Respondents' continued application and reliance on *Matter of Yajure Hurtado* (which is based on the policy vacated by the U.S. District Court for the Central District of California in *Maldonado Bautista*) is arbitrary and capricious because it contradicts the plain

language of the INA and federal court precedent in this District.

See Hernandez Lopez v. Hardin, 2:25-cv-00830, (M.D. Fla.).

RELIEF REQUESTED

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

- A. Exercise jurisdiction over this action;
- B. Declare that Petitioner is a member of the *Maldonado Bautista* Bond Eligible Class;
- C. Declare that the Petitioner is detained under 8 U.S.C. § 1226(a) and is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2);
- D. Issue a Writ of Habeas Corpus requiring the Defendants/Respondents to immediately schedule an individualized bond hearing for Petitioner before an Immigration Judge within seven (7) days and at said hearing, require the government to bear the burden of proving by clear and convincing evidence that Petitioner presents a flight risk or danger to the community that no condition of release can mitigate;
- E. Grant temporary and permanent injunctive relief requiring the Defendants/Respondents to release the Plaintiff/Petitioner from custody;

- F. Order the Plaintiff/Petitioner's immediate release if the Respondents/Defendant fail to provide a constitutionally adequate bond hearing within the time prescribed by the Court;
- G. Declare that the continued detention of the Plaintiff/Petitioner without access to bond hearing violates Due Process Clause of the Fifth Amendment, the INA, the APA, and regulations;
- H. Award the Plaintiff/Petitioner reasonable costs and attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.
- I. Grant such other relief as the Court deems just and proper.

Respectfully submitted this 13th day of January, 2026.

/s/ Vilerka Solange Bilbao

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VERIFICATION

Pursuant to 28 U.S.C. § 2242 and 28 U.S.C. § 1746, the undersigned counsel certify under penalty of perjury that we represent the Petitioner in his removal proceedings and make this verification on his behalf; that we have

discussed the facts and allegations within this Petition with the Petitioner; and that based upon these discussions and a review of the underlying records, the facts set forth in the foregoing Petition are true and accurate to the best of our knowledge, information, and belief, and the attachments thereto are true and correct copies of the originals.

Respectfully submitted this 13th day of January, 2026.

/s/ Vilerka Solange Bilbao

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APPENDIX: LIST OF EXHIBITS

1. **Exhibit 1**: Passport
2. **Exhibit 2**: Birth Certificate of United States citizen son
3. **Exhibit 3**: St. John's County, Florida, Docket Report
4. **Exhibit 4**: Form I-200, Warrant for Arrest of Alien
5. **Exhibit 5**: Form I-203, Order to detain or release alien
6. **Exhibit 6**: Sentence in the Traffic Case in St. John's County
7. **Exhibit 7**: List of cases finding detention for long-time residents
in the United States unlawful under **8 U.S.C. § 1225** and
applying **8 U.S.C. § 1226(a)**
8. **Exhibit 8**: Email to and from ICE
9. **Exhibit 9**: Notice to Appear