UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

SILVIANO MORA VERA A#[redacted] Petitioner, v. JEFF CRAWFORD, in his official capacity as Warden of Abyon | Farmville Detention Center; KIMBERLY ZANOTTI, in her official capacity as Washington D.C. Field Office Director, U.S. Immigration and Customs Enforcement; PAM BONDI, in her official capacity as Attorney General of the United States; and KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security, Respondents.	CASE NO.: 3:26cv30 HON.:

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

INTRODUCTION

1. Petitioner SILVIANO MORA VERA, by and through undersigned counsel Alejandra de Jesus Pinto, Miriam Airington-Fisher, and Jennifer Quezada, and respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention by the Department of Homeland Security ("DHS") and its agents.

2. Petitioner is currently detained at the Abyon | Farmville Detention Center in Farmville, Virginia, under the custody of Respondent JEFF CRAWFORD, Warden of the facility.

3. Petitioner has a pending U-Visa which was filed on June 11, 2018. Petitioner proved prima facie eligibility for his pending humanitarian relief and received a Bona Fide Determination("BFD") for the same on February 28, 2023, granting him the opportunity to apply for an employment authorization document ("EAD") and accompanying Deferred Action ("D.A.").

4. Both Petitioner's EAD and D.A. were approved on June 21, 2023.

5. On October 2, 2025, Petitioner received an Intent to Revoke from USCIS pertaining to his approved I-765 and an Intent to Deny his pending I-192 based on information obtained through an updated background check of the Petitioner, requesting documentation of the same in order to make a further determination. The attorney of record Petitioner's pending I-918 relief application, Harold Estrada, Esq., properly responded to the USCIS letters of intent by the November

4, 2025, deadline, including evidence which meet the preponderance of the evidence standard required of the reviewing officer to overcome the noted reasons for revocation.

6. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182 (a)(6)(A)(i). Specifically, by crossing the Mexico/Arizona border in 2009.

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

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

9. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

10. Respondent's new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

11. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a) within seven days.

JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), and the Suspension Clause of the U.S. Constitution, because Petitioner challenges the lawfulness of his ongoing immigration detention.

10. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. §§ 2201-02 (declaratory relief). Petitioner's detention by Respondents is a "severe restraint" on his individual liberty. See

Hensley v. Municipal Court, San Jose-Milpitas Jud. Dist., 411 U.S. 345, 351 (1973).

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

12. Venue lies in this District and Division under 28 U.S.C. § 1391(e) because Petitioner is in the physical custody of Respondents as he is detained within the Eastern District of Virginia, Richmond Division, at the Abyon | Farmville Detention Center in Prince Edward County, Virginia, at the time the petition was filed. 28 U.S.C. § 1391(e); *Rumsfeld v. Padilla*, 542 U.S. 426, 434, 447 (2004).

13. Respondent JEFF CRAWFORD, as Warden of Abyon | Farmville Detention Center, is Petitioner's immediate custodian and has direct physical control over his detention.

14. Respondent KIMBERLY ZANOTTI, as the Washington D.C. ICE Field Office Director, oversees enforcement and custody decisions affecting Petitioner within this jurisdiction and is responsible for his ongoing detention.

15. Respondent PAM BONDI as Attorney General of the United States. She has supervisory authority over the Department of Justice, including the Executive Office for Immigration Review.

16. Respondent KRISTI NOEM, as Secretary of the Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of ICE and parole-related policies.

REQUIREMENTS OF 28 U.S.C. § 2243

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

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

16. Petitioner requests the Court issue an Order to Show Cause, and direct Respondents to file a response within three days, in light of the significant restraint on his liberty and clear Constitutional violations in this case.

TRANSFER OUTSIDE OF DISTRICT; ALL WRITS ACT

17. The All Writs Act, 28 U.S.C. § 1651(a), empowers the federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

18. Courts in this district have recently invoked the All Writs Act to prevent the transfer of individuals detained within the "judicial district unless and until the

Court issues a contrary order." *Garcia Guardado v. Lyons, et al.*, No. 1:25-cv-1741-MSN-WBP (E.D. Va. Oct. 15, 2025) (citing 28 U.S.C. § 1651; FTC v. *Dean Foods Co.*, 384 U.S. 597,603 (1966) ("The All Writs Act, 28 U.S.C. § 1651(a), empowers the federal courts to 'issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.'")); *see also Guevara Gomez v. Crawford*, No. 1:25-cv-1781-PTG-LRV (E.D. Va. Oct. 16, 2025).

19. Petitioner requests that this Court invoke the All Writs Act to prevent any transfer out of the Eastern District of Virginia during the pendency of his habeas action, given the likelihood that he will be ordered to appear at a bond hearing shortly after this Court rules upon the habeas petition. Petitioner lives in Richmond, Virginia, and his counsel's law firm operates primarily out of Glen Allen, Virginia. He will need to participate in the preparation for and attend his bond hearing, and he will incur additional, unnecessary expenses and difficulty in returning to his residence in Richmond, Virginia should he be granted a bond hearing after being transferred elsewhere. *See* https://www.tsa.gov/travel/security-screening/identification (listing documents required to board an airplane, which does not include ICE release paperwork) (accessed Jan. 10, 2026); *see also Ozturk v. Trump*, 779 F. Supp. 3d 462, 497 (D. Vt. 2025) (noting that presence in the judicial district where an action is pending "facilitate[s]" the petitioner's "ability to work with [his or] her attorneys, coordinate the appearance of witnesses," and generally present claims related to detention); *Suri v. Trump*, 785 F. Supp. 3d 128, 139-40 (E.D. Va. May 6, 2025). Accordingly, if the

Court declines to preclude his transfer out of this district during the pendency of these proceedings, and should ICE transfer him out of the district prior to completion of the proceedings, Petitioner requests any order granting the petition to include an order requiring him to be returned to Virginia within twenty-four hours.

PARTIES

17. Petitioner Silviano Mora Vera is a native and citizen of Mexico currently detained at Abyon | Farmville Detention Center in Farmville, Virginia.
18. Respondent JEFF CRAWFORD is the Abyon/Farmville ICE Detention Center and Petitioner's immediate custodian, as he is responsible for overseeing Abyon/ Farmville ICE Detention Center's administration and management. He is sued in his official capacity.
19. Respondent KIMBERLY ZANOTTI is the Washington D.C ICE representative and has authority over Petitioner's detention. She is a legal custodian of the Petitioner. She is sued in her official capacity.
20. Respondent PAM BONDI oversees the immigration court system, which is housed within the Executive Office for Immigration Review(EOIR) and includes all IJs and the Board of Immigration Appeals (BIA). She is sued in her official capacity.
21. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (DHS) and has ultimate authority over immigration enforcement and detention policy. DHS oversees ICE, which is responsible for administering and

enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in her official capacity.

EXHAUSTION

22. The failure to exhaust administrative remedies does not bar Petitioner's claim unless "Congress specifically mandates" exhaustion. *Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022) (1993) (quoting *McCarthy v. Madigan*, 503. U.S. 140, 144 (1992)).

23. Moreover, because Petitioner's continued detention violates his right to due process—a constitutional right—administrative exhaustion is excused. *See Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when . . . a plaintiff has raised a 'substantial constitutional question.'").

24. Although the Court may impose exhaustion requirements as a prudential matter, it should not do so in this case because further administrative exhaustion would be futile. Critically, as part of a recent policy shift, the Board of Immigration Appeals issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), concluding that noncitizens who entered the United States without inspection at any point are forever after considered to be "arriving aliens" who are "seeking admission" and thus subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Even though, as discussed below, this decision is legally erroneous, all immigration judges—including Appellate Immigration Judges at the Board—are obligated to apply published Board precedent. 8 C.F.R. § 103.10(b). Thus, waiting for the resolution of any bond proceeding before an immigration judge and

DHS's inevitable appeal to the Board would be futile because the result is foreclosed by (incorrect) Board precedent.

LEGAL FRAMEWORK

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

26. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c). While § 1226(c) mandates the detention of certain classes of criminal noncitizens, § 1226(a) sets forth the rule for noncitizens subject to discretionary detention under § 1226. Under 8 U.S.C. § 1226(a), a noncitizen "may be arrested and detained pending a decision on whether the alien is to be removed from the United States[.]" 8 U.S.C. § 1226(a). After an arrest, the noncitizen may continue to be detained, released on conditional parole, or released on a bond of at least $1,500. *Id.*

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

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

29. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(1).

30. The detention provisions at § 1226 (a) and § 1225(b)(1) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C. §§ 302-03, 111 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently amended earlier this eyar by the Laken Riley Act, Pub. L. No. 1191-1, 129 Stat. 3 (2025).

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

32. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

33. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

34. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[1] claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

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

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

37. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vasquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

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[1] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

38. Subsequently, courts that have reviewed this issue have almost universally agreed with a "common sense approach" and overwhelmingly rejected Respondents' new reading of the statute. *See, e.g., Quintero Flores v. Noem*, No. 25-cv-1614-RDA-LRV (E.D. Va. Oct. 29, 2025); *Ceba Cinta v. Noem*, No. 1:25-cv-1818-LMB-WEF (E.D. Va. Oct. 29, 2025); *Mendoza Gutierrez*, No. 25-CV-2720-RMR, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Ortiz Ventura v. Noem*, No. 1:25- cv-01429-MSN-WBP (E.D. Va. Oct. 2, 2025); *Quispe-Ardiles v. Noem*, No. 1:25-cv-01382-MSNWEF (E.D. Va. Sept. 30, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-cv-01408-LMB-IDD, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Alvarez-Martinez v. Noem*, No. 5:25-CV-01007-JKP, 2025 WL 2598379, at *4 (W.D. Tex., Sept. 8, 2025); *Lopez Benitez*, 795 F. Supp. 3d at 484; *Martinez*, 792 F. Supp. 3d at 222-23.

39. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defied the INA. As the *Rodriguez Vasquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

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

41. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E).

Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

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

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

44. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

45. Petitioner has resided in the United States since 2009 and lives in Richmond, Virginia, with his wife and his two U.S.C. children, [redacted] and [redacted] (*See* Exhibit A).

46. Petitioner has been detained at the Abyon | Farmville Detention Center in Farmville, Virginia, since September 24, 2025.

47. DHS placed Petitioner in removal proceedings before the Annandale Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection. (*See* Exhibit B).

48. Petitioner is the primary financial provider and caretaker for his U.S. Citizen children. His minor son, [redacted], greatly relies on the Petitioner's emotional support. He has lived in the United States since his last entry in 2009, and has created significant ties to the U.S. The Petitioner works full-time and provides for his minor son. The Petitioner is eligible for a Non-Immigrant U-Visa relief, and has received a bona fide determination (BFD) for the same. (*See* Exhibit C). While USCIS has issued a Notice of Intent to Revoke the BFD, to date, the BFD has not been revoked. None of the potential issues raised in the Notice by USCIS would result in a correct denial of his pending relief, as none of his criminal charges resulted in a conviction. Additionally, Petitioner's attorney has properly filed a response to the Notice. (*See* Exhibit D). Accordingly, the Petitioner will be eligible to adjust his status to that of a permanent resident upon approval of his U-Visa status and compliance with the accompanying eligibility terms.[2] The

[2] *See* https://www.uscis.gov/green-card/green-card-eligibility/Green-card-for-a-victim-of-a-crime-u-nonimmigrant.

Petitioner has ongoing medical gastrointestinal concerns that he receives regular care for by medical professionals in Richmond, Virginia. (*See* Exhibit E). His health has deteriorated significantly since being detained, and he reports to his attorneys that he is experiencing severe pain, overall feelings of weakness and malaise, and lack of access to regular care while in detention. Further, due to the Petitioner's detention, his minor son has been subjected to bullying in school and has been the victim of physical fighting that resulted in medical attention. His son is receiving ongoing medical care for the injuries. (*See* Exhibit F).

49. Petitioner has no criminal convictions outside of minor traffic violations that did not result in bodily harm, and he paid the fines imposed. The Petitioner has been charged in Richmond City in the past for Malicious Wounding, Obstruction of Justice, and Public Drunkenness, all of which were *nolle prosequi* in Richmond City General District Court. (*See* Exhibit G). The Petitioner demonstrated that he acted within a reasonable degree of certainty that his actions had been warranted in self-defense. Additionally, the Respondent attempted to purchase a firearm as he feared the rising crime rate in his residential area, which the granting of the pending I-192 waiver may discretionarily forgive. None of the charges resulted in convictions against the Petitioner and have since been dismissed. Petitioner is neither a flight risk nor a danger to the community.

50. Following Petitioner's arrest and transfer to Abyon | Farmville Detention Center, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

51. Petitioner subsequently requested a bond redetermination hearing before an IJ. (*See* Exhibit H). The IJ denied the Bond Redetermination Request, citing a lack of jurisdiction due to the *Matter of Yajure Hurtado*, 29 I&N, Dec. 216 (BIA 2025). (*See* Exhibit I).

52. As a result, Petitioner remains in detention. Without relief from this court, he faces the prospect of months or even years in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

COUNT I: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

49. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

50. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Amend. V. "Freedom from imprisonment - from government custody, detention, or other forms of physical restraint - lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

51. Petitioner has a fundamental interest in liberty and being free from official restraint.

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

COUNT II: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND IMPLEMENTING REGULATIONS

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

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

55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

EXHAUSTION OF REMEDIES

53. Petitioner has exhausted his only remedy for relief from detainment in court by requesting bond in August 2025, and again through a Bond Redetermination Request in December 2025, which were both denied due to the court's stated lack

of jurisdiction to grant Petitioner bond as an arriving alien. (See Exhibit 8: Bond Denial).

54. Petitioner's release has been requested from DHS outright, and was denied on August 13, 2025. Undersigned counsel filed a Bond Redetermination Request, which was denied due to stated lack of jurisdiction by the Hon. Raphael Choi, despite Respondent being a member of the Maldonado Bautista Class Action. (See Exhibit 9).

PRAYER FOR RELIEF

WHEREFORE, Petitioner, SILVIANO MORA VERA, respectfully requests that this Honorable Court grant the following relief:

A. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;

B. Declare that Petitioner's continued detention is unlawful and violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

C. Order that Petitioner shall not be transferred outside the Eastern District of Virginia while this habeas petition is pending;

D. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

E. Issue a Writ of Habeas Corpus requiring that the Respondents release Petitioner immediately and provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;

F. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 1412, and on any other basis justified under law; and

G. Award such other and further relief as the Court deems just and proper.

Dated: January 13, 2026

Respectfully Submitted,

Silviano Mora Vera

/s/

Miriam Airington-Fisher
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CERTIFICATE OF SERVICE

I hereby certify that on this 13 day of January, 2026, I electronically filed the foregoing **Petition for Writ of Habeas Corpus** with the Clerk of the Court using the CM/ECF system. I further certify that a true and correct copy of the foregoing has been served via CM/ECF or by first-class U.S. mail, postage prepaid, upon the following Respondents:

1. **Jeff Crawford**
   Warden, Abyon | Farmville Detention Center
   508 Waterworks Road
   Farmville, VA 23901

2. **Kimberly Zanotti**
   Field Office Director, Washington D.C. Field Office
   U.S. Immigration and Customs Enforcement
   2675 Prosperity Avenue
   Fairfax, VA 22031

3. **Pam Bondi**
   Attorney General of the United States
   U.S. Department of Justice
   950 Pennsylvania Avenue, NW
   Washington, DC 20530-0001

4. **Kristi Noem**
   Secretary, U.S. Department of Homeland Security
   2707 Martin Luther King Jr. Avenue, SE
   Washington, DC 20528

In addition, copies have been served upon:

1. **United States Attorney's Office, Eastern District of Virginia**
   919 East Main Street, Suite 1900
   Richmond, VA 23219

2. **Office of Immigration Litigation**
   U.S. Department of Justice, Civil Division
   P.O. Box 878, Ben Franklin Station
   Washington, DC 20044

Respectfully submitted,

/s/ Miriam Airington-Fisher
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