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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SANDY SILVEIRA-GRANADO,

Petitioner,

v.

DAVID HARDIN, Glades County Sheriff; GARRETT J. RIPA, Field Office Director of the Miami Immigration and Customs Enforcement Office; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the United States Department of Homeland Security; PAMELA BONDI, Attorney General of the United States, acting in their official capacities; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; and DEPARTMENT OF HOMELAND SECURITY,

Respondents.
_____/

CASE NO.: 26-cv-55

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

INTRODUCTION

1. SANDY SILVEIRA-GRANADO ("Petitioner") has been residing in the United States since August 25, 2022. He was detained by Customs and Border Patrol ("CBP")on August 25, 2022, near Eagle Pass, Texas. Petitioner was released from ICE custody under an Order of Release on Recognizance on August 30, 2022. (Exh. 1, Order of Release on Recognizance, I-220A). Petitioner filed a timely I-589 application for Asylum, Withholding of Removal and

Protection under the Convention Against Torture on February 28, 2023, with United States Citizenship and Immigration Services ("USCIS"). He has resided in Florida since his release.

2. While in removal proceedings, Petitioner has reported on an annual basis to the Immigration and Customs Enforcement ("ICE") – Miramar Office. During his annual check for 2025, Petitioner was taken into custody on October 17, 2025.

3. Petitioner, at this moment, is detained at the Glades County Detention Center, 1279 East SR 78, Moore Haven, Florida. (Exh. 2, ICE Detainee Locator). Petitioner has no arrests other than near the border in 2022 and his detention during his annual check-in on October 17, 2025. He has never been charged with any crime or convicted of any crime and there has been no change in his circumstances since he was placed in detention on October 17, 2025. Therefore, he was detained due to the interceding Department of Homeland Security ("DHS") interpretation of their detention authority under 8 U.S.C. §§ 1225 and 1226. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) ("*Matter of Yajure Hurtado*").

4. Petitioner is in the physical custody of Respondents at the Glades County Detention Center in Moore Haven, Florida. He is pending removal proceedings with a Notice to Appear that has been filed with the Executive Office for Immigration Review ("EOIR") under 8 U.S.C. § 1229a. Thus, rendering his ongoing detention illegal. Petitioner files this petition for writ of habeas corpus under 28 U.S.C. § 2241.

5. Petitioner is a citizen and national of Cuba (Exh. 3, Birth Certificate with Certified Translation) who entered the United States on or about August 25, 2022, near Eagle Pass, Texas to seek asylum. Petitioner was encountered near the border and was detained.

6. At Petitioner's custody redetermination (bond) hearing on December 22, 2025, the Immigration Judge found she lacked jurisdiction based solely on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and did not make any discretionary or adverse findings under *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006). The Immigration Judge took "No Action." Petitioner remains detained as a result of that legal interpretation. (Exh. 4, IJ Order on Motion for Custody Redetermination).

7. This case presents a purely legal question appropriate for habeas review: whether a noncitizen encountered in the interior of the United States over three years after entry, who has never applied for admission, is detained under 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b). Petitioner does not challenge the initiation of removal proceedings, nor any

discretionary custody determination. *See Madu v. US. Att'y Gen.*, 470 F.3d 1362, 1367-8 (11th Cir. 2006). Multiple decisions in this District have held that long-term residents encountered in the interior under these circumstances are detained under § 1226(a), not § 1225(b). *See, e.g., Patel v. Hardin*, No. 2:25-cv-870-JES-NPM, 2025 WL 3442706 (MD. Fla. Dec. 1, 2025); *Vasquez Carcamo v. Noem*, No. 2:25-cv-922, 2025 WL 3041895 (MD. Fla. Nov. 7, 2025).[1]

8. Petitioner respectfully requests an order directing Respondents to release Petitioner from custody; or in the alternative, to release Petitioner from custody subject to appropriate supervision; or in the alternative, to provide a custody redetermination hearing under § 1226(a) within seven days.

9. Section 1225(b)(2)(A) states that an applicant for admission shall be detained for removal proceedings. It is the position of both DHS and EOIR (which houses both the BIA and immigration judges), that 8 U.S.C. §1225(b)(2)(A) applies to all individuals who arrived in the United States without documents, regardless of how long they have lived in the United States and regardless of how far they were from the border when they were apprehended. *See Matter of Yajure Hurtado*. However, § 1225(b)(2)(A) does not apply to individuals, like Petitioner, who are present in the United States for a significant period – in this case over 3 years. Instead, such individuals are subject to detention under a separate statute, 8 U.S.C. § 1226(a), and are eligible for release.

10. Early in July 2025, ICE released a memorandum instructing attorneys to coordinate with the Department of Justice, the agency housing EOIR to reject bond redetermination hearings for applicants who had arrived in the United States without documents. *See* ICE Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission, AILA (July 8, 2025),

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[1] It can fairly be said that a nationwide consensus has developed adopting this view. Notable recent decisions of the approximately 177 decisions rejecting the government's position on detention for uninspected entrants to the United States include: *Ruiz Mejia v. Noem*, No. 1:25-cv-1227, 2025 WL 3041827 (W.D. Mich. Oct. 31, 2025); *Hernandez Lopez v. Hardin*, No. 2:25-CV- 830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *J.G.O. v. Francis*, No. 25-CV-7233, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025); *Puerto-Hernandez v. Lynch*, No. 1:25-cv-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025); *J.A.C.P. v. Wofford*, No. 1:25-cv-01345, 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025); *Nava Hernandez v. Baltazar*, No. 1:25-CV-03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Rodriguez Carmona v. Noem*, No. 1:25-cv-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *De Fatima Lomeu v. Soto*, No. 25cv16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *Bethancourt Soto v. Soto*, No. 25-CV-16200, --- F. Supp. 3d , 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Maldonado de Leon v. Baker*, No. 25-3084, 2025 WL 2968042 (D. Md. Oct. 21, 2025); *Contreras-Cervantes v. Raycraft*, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); *Pablo Sequen v. Albarran*, No. 25-CV-06487-PCP,--- F. Supp. 3d ---, 2025 WL 2935630 (N.D. Cal. Oct. 15, 2025); *Alejandro v. Olson*, No. 1:25-CV-02027, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Rico-Tapia v. Smith*, --- F. Supp. 3d ---, 2025 WL 2950089 (D. Haw. Oct. 10, 2025); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025; *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496 (D.N.J. Sept. 26, g they ha2025); *Giron Reyes v. Lyons*, --- F. Supp. 3d ---, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025).

https://shorturlat/XF71Y ("Lyons Memo").[2]

11. EOIR applied this amended reasoning in a May 15, 2025, BIA decision, *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), finding that a noncitizen who had entered the United States without documents was ineligible for bond, despite not being placed in expedited removal proceedings. *Matter of Yajure Hurtado* followed. Since that decision, virtually all courts throughout the country have rejected the government's unlawful reversal of nearly three decades of settled immigration practice regarding the scope of mandatory detention pursuant to 8 U.S.C. §§ 1225 and 1226. *See* FN. 1.

12. Nonetheless, Respondents continue to maintain that noncitizens who entered the United States without inspection, even years prior such as Petitioner and were previously released from immigration custody are subject to mandatory detention, because they are deemed to be on-going applicants for admission within the meaning of U.S.C. §1225(b)(2)(A).

13. This interpretation of the relevant law is a violation of the statute and due process. As such, Petitioner seeks an order of injunctive relief to be released from custody and to set aside relief under the Administrative Procedure Act ("APA") requiring that he be released immediately from ICE custody.

JURISDICTION

14. This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of Petitioner's continued detention. Habeas jurisdiction is available to noncitizens challenging the statutory basis of immigration detention. *See Madu*, 470 F.3d at 1366-68 (11th Cir. 2006). Petitioner is not challenging the initiation of removal proceedings or any discretionary decision regarding custody. Instead, he challenges only the government's legal conclusion that his detention is governed by 8 U.S.C. § 1225(b) rather than 8 U.S.C. § 1226(a). Such a "pure question of statutory interpretation" falls squarely within habeas jurisdiction. *Id.* at 1367.

15. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar review. Section 1252(a)(5) and § 1252(b)(9) apply only to challenges to removal orders and claims arising from removal proceedings. Petitioner raises neither. *See Id.* at 1367—68 ("Section 1252 does not

[2] "ICE Says Many In Immigration Detention No Longer Qualify For Bond Hearings," CBS News (Jul. 15, 2025) https://www.cbsnews.com/news/ice-immigration-detention- bond-hearings/ ; "ICE declares millions of undocumented immigrants ineligible for bond hearings," The Washington Post (Jul. 15, 2025) https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented- immigrants-bond-hearings/

preclude habeas review of claims that are independent of challenges to removal orders"). Section 1252(g) does not apply because Petitioner does not challenge the Attorney General's decision to commence proceedings, adjudicate proceedings, or execute any removal order. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Section 1252(e) is inapplicable because Petitioner does not challenge the validity of any expedited removal order, nor could he - he was never subject to expedited removal.

16. Finally, Section 1252(a)(2)(B)(ii) does not apply because Petitioner is not seeking review of a discretionary custody determination; the immigration court made no such determination and expressly found the Court lacked jurisdiction to make such determination. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

VENUE

17. Venue lies in this District under 28 U.S.C. § 2241(a) and (d), because Petitioner is detained at Glades County Detention Center which is within the Middle District of Florida. *See Rumsfeld v. Padilla*, 542 US. 426, 434-35 (2004) (proper respondent in a habeas petition is the immediate custodian in the district of confinement). DAVID HARDIN, as the Warden of said Detention Center, is a proper respondent, as the official with immediate physical custody over Petitioner. *See Id.* at 435. The additional federal officials are included in their official capacities because they possess legal authority over Petitioner's detention under the Immigration and Nationality Act ("INA").

PARTIES

18. Petitioner, SANDY SILVEIRA-GRANADO, is a native and citizen of Cuba, detained by ICE at Glades County Detention Center within the Middle District of Florida. He brings this petition pursuant to 28 U.S.C. § 2241 to challenge the legality of his continued detention.

19. Respondent, DAVID HARDIN, in his official capacity as Warden of the Glades County Detention Facility, is the immediate custodian and the official responsible for Petitioner's physical detention.

20. Respondent, GARRETT J. RIPA, in his official capacity as Field Office Director

("FOD"), Miami Field Office, US. Immigration and Customs Enforcement is responsible for the custody, detention, and removal operations for individuals detained within the geographic area encompassing Petitioner's place of confinement.

21. Respondent, TODD LYONS, in his official capacity as Senior Official Performing the Duties of the Director of ICE, directs the agency that exercises authority over the detention, custody, and supervision of noncitizens pursuant to the INA.

22. Respondent, KRISTI NOEM, in her official capacity as U.S. Secretary of Homeland Security, is the highest official within the DHS, which is charged with administering and enforcing federal immigration laws, including detention authority under the INA.

23. Respondent, PAMELA BONDI, in her official capacity as Attorney General of the United States, acting in her official capacity, presides over the Executive Office for Immigration Review, which oversees the Immigration Judge that has declined to hear Petitioner's request for release from custody.

24. Respondent, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency within the Department of Homeland Security charged with the enforcement of immigration laws, including the detention and removal of noncitizens.

25. Respondent, DEPARTMENT OF HOMELAND SECURITY is the federal department responsible for administering and enforcing the INA, including statutory authority governing the detention of certain noncitizens.

UNDISPUTED FACTS

26. Petitioner is a native and citizen of Cuba who entered the United States without inspection near Eagle Pass, Texas at the age of 32. Petitioner has resided continuously in the United States since that time.

27. Petitioner was detained by ICE on October 17, 2025, during a yearly check-in at the ICE Miramar office in Florida.

28. Prior to October 17, 2025, Petitioner had been detained but was released under the following circumstances and conditions: he was apprehended by Customs and Border Protection on August 25, 2022, shortly after entering the United States. He was released under an Order of

Release on Recognizance (I-220A) on August 30, 2022.

29. On August 27, 2025, CBP issued a Notice to Appear charging Petitioner as removable under 8 U.S.C. § 1182(a)(6)(A)(i).

30. On December 22, 2025, Petitioner requested a custody redetermination hearing under 8 U.S.C. § 1226(a). He presented information regarding residence, family relationships, community ties, work history, and the absence of criminal history.

31. At the custody hearing, The Immigration Judge concluded that jurisdiction to redetermine custody was unavailable based on *Matter of Yajure Hurtado* and did not make any discretionary determination regarding custody. *See Custody Redetermination Order* attached hereto as Exh. 4.

32. Presently, Petitioner remains detained at the Glades County Detention Facility.

EXHAUSTION OF REMEDIES

33. There is no statutory exhaustion requirement for habeas challenges to the legal basis of immigration detention under 28 U.S.C. § 2241. *See Madu* at 1366—68 (11th Cir. 2006). Even if exhaustion applied, it would be futile. The Immigration Judge made no discretionary custody determination. As the Supreme Court has held, exhaustion is excused where "the administrative body is shown to be biased or has otherwise predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992); *see also Shalala v. 111. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000). This District has already held in identical circumstances that an administrative appeal would be futile because the result is predetermined by binding agency precedent. *See Patel*, 2025 WL 3442706, at 3.; *Vasquez Carcamo*, 2025 WL 3041895, at 3. Because the agency lacks authority to provide a custody redetermination under 8 U.S.C. § 1226(a), exhaustion would be futile.

STATUTORY BACKGROUND

34. Section 1226(a) provides that, "[o]n a warrant issued by the Attorney General," a noncitizen arrested and detained pending a decision on removal "may continue to be detained" or "may be released on bond" or conditional parole. 8 U.S.C. § 1226(a)(1) - (2). The statute authorizes the Attorney General to make both the initial custody determination and subsequent custody redeterminations. Implementing regulations assign authority for custody redeterminations to Immigration Judges. *See* 8 C.F.R. § 1003.19(a).

35. Section 1225 governs the inspection and processing of applicants for admission. Under section 1225(b)(1) and (b)(2), certain applicants for admission who are determined to be inadmissible "shall be detained" pending further consideration of their application or removal. These provisions apply only to "applicants for admission" as defined by the INA.

36. The INA defines "admission" as "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). With limited exceptions not relevant here, a noncitizen who has entered the United States without inspection is not considered an "applicant for admission" at a later date solely by virtue of being encountered inside the country. Rather, the term applies to individuals who present themselves for inspection at a port of entry or who are treated as seeking admission under specific statutory provisions.

37. Section 1182(a)(6)(A)(i) renders an individual inadmissible if they are "present in the United States without being admitted or paroled." Section 1182(a)(7)(A)(i)(I) applies to "an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa" or other entry documents. The two grounds serve distinct statutory functions: § 1182(a)(6)(A)(i) describes unlawful presence after entry without inspection, while § 1182(a)(7)

presumes an ongoing or contemporaneous "application for admission."

38. Under 1226(a), individuals detained pending removal proceedings are entitled to custody redeterminations before an Immigration Judge unless detained under statutory provisions that expressly withhold such authority. *See* 8 C.F.R. § 1003.19(h). By contrast, individuals detained under § 1225(b) are not eligible for bond redetermination because detention is mandatory for applicants for admission falling within that section.

39. The Department of Justice's 1997 regulations implementing the Illegal Immigration Reform and Immigrant Responsibility Act reaffirmed that noncitizens who entered without inspection and were later arrested inside the United States are detained under § 1226(a) and may seek bond before an Immigration Judge. *See Inspection and Expedited Removal of Aliens*, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997) (explaining that aliens "arrested in the interior" fall under the Attorney General's general detention authority).

40. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court distinguished the detention schemes of §§ 1225, 1226, and 1226(c), holding that each operates according to its terms and that bond eligibility turns on the statutory authority under which the individual is detained. The Court reiterated that §§ 1225(b) and 1226(a) impose mandatory detention, while § 1226(a) allows discretionary release.

42. This case does not involve 8 U.S.C. § 1231 or post-removal-order custody. Petitioner is in § 1229a proceedings and subject only to the pre-order detention provisions of the INA.

LEGAL ARGUMENT

The statutory scheme governing immigration detention distinguishes between individuals detained as applicants for admission and those detained after entry while removal proceedings are pending. For individuals arrested in the interior of the country who have already entered

without inspection, detention is governed by 8 U.S.C. § 1226(a). That provision authorizes the Attorney General to determine custody status during removal proceedings and permits release on bond or conditional parole. This framework applies to noncitizens who, like Petitioner, entered the United States without inspection years earlier and were encountered inside the country rather than at a port of entry. The implementing regulations have long recognized this distinction, continuing that individuals "arrested in the interior" after unlawful entry fall under the general detention authority of Section 1226(a).

Mandatory detention under 8 U.S.C. § 1225(b), by contrast, applies only to persons who are processed as applicants for admission. The statute predicates mandatory detention on that status and references individuals who present themselves for inspection, who are placed in expedited removal screening, or who otherwise fall within the statutory definition of an applicant for admission. The definition of admission, set forth at 8 U.S.C. § 1101(a)(13)(A), requires lawful entry after inspection and authorization. Individuals who enter without inspection are not transformed into applicants for admission simply because they are later encountered inside the United States during enforcement operations. The statutory structure does not permit treating long-settled interior residents as if they were arriving at the border. The application of § 1225(b)(2) to permit the continued detention of Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. 5 U.S.C. §706(2).

The Order entered by the Immigration Judge at the custody redetermination hearing held on December 22, 2025, confirms the statutory classification that applies here. *See Custody Redetermination Order* attached hereto as Exh. 4. The Immigration Judge explicitly determined that Petitioner was present without admission and subject to mandatory detention. That determination aligns with the statutory text and removes any foundation for detaining Petitioner

under Section 1225(b).

Because removal proceedings are pending under Section 1229a and no statutory provision mandates custody, Petitioner falls squarely under Section 1226(a) as a matter of law. Under that provision, Immigration Judges retain authority to conduct custody redetermination unless expressly divested of jurisdiction. The Immigration Judge in this case concluded that he lacked such authority based solely on a legal interpretation concerning the reach of Section 1225(b). 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, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001). Petitioner has a fundamental interest in liberty and being free from official restraint.

The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Prior to his detention and arrest on October 17, 2025, was owner of his own business, Silveira Sandy Granite Company Corp., and worked as an installer, was the primary financial provider for his family. Petitioner is the head of household of a family that consists of his wife, a lawful permanent resident, who is employed as a manicurist.

Where an agency declines to exercise statutory authority based on a legal error, habeas jurisdiction is appropriate to correct the misclassification. As aforementioned, this Court, as well as others around the nation have repeatedly held that interior arrests of long-term residents who entered without inspection fall under Section 1226(a) and that detention under Section 1225(b) is not authorized in such circumstances.[3] These decisions reflect the statutory structure enacted by

[3] *See, e.g., Vincens-Marquez v. Soto*, No. 25-16906 (KSH), 2025 WL 3097496 (D. N]. Nov. 6, 2025); *Beltran, et. al v. Noem*, No. 25- cv-2650—LL-DEB, 2025 WL 3078837 (SD. Cal. Nov. 4, 2025); *Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (SD. Ga. Nov. 4, 2025); *Flores v. Olson*, 25 C 12916, 2025 WL 3063540 (ND. Ill. Nov. 3, 2025); *J.A.M. v. Streeval*, No. 4:25-cv-342 (CDL), 2025 WL 3050094 (M.D. Ga Nov. 1, 2025); *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (ED. Wis. Oct. 29, 2025); *Hernandez Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM, 2025 WL 3022245 (MD. Fla. Oct. 29,2025); *Orellana v. Noem*, No. 4:25-CV-112-RGJ, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025); *Tomas Elias v. Hyde*, No. 25- cv-540-JJM-AEM, 2025 WL 3004437

Congress and the longstanding regulatory distinction between applicants for admission and individuals arrested within the United States. Petitioner's continued detention without access to a custody redetermination therefore rests on an error of law that warrants relief.

CLAIMS FOR RELIEF

Count One

Denial of Custody Redetermination Based on Legal Error

Petitioner realleges and incorporates the preceding allegations. Petitioner is detained during the pendency of removal proceedings and is not subject to any statutory provision mandating custody. Petitioner is detained under the statutory framework set forth in 8 U.S.C. § 1226(a), which authorizes discretionary release on bond and assigns immigration judges authority to conduct custody redeterminations.

Notwithstanding these findings, the Immigration Judge declined to adjudicate custody based solely on a legal conclusion that Petitioner is subject to mandatory detention as an applicant for admission under 8 U.S.C. § 1225(b).

(D. R.I. Oct. 27, 2025); *Aguilar Guerra v. Joyce*, 2:25-cv-534-SDN, 2025 WL 2986316 (D. Maine Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25 cv-l3004, 2025 WL 2985256 (D. NJ. Oct. 23, 2025); *Gomez Garcia v. Noem*, No. 5:25- cv-02771-ODW (PDx), 2025 WL 2986672 (CD. Cal. Oct. 22, 2025); *Caballero v. Baltazar*, No. 25-cv-03120NYW, 2025 WL 2977650 (D.Colo. Oct. 22, 2025); *Ochoa Ochoa v. Noem*, N0. 25-CV-10865, 2025 WL 2938779 (ND. 111. Oct. 16, 2025); *N.A. v. Larose*, No. 25 cv-2384-RSH-BLM, 2025 WL 2841989 (SD. Cal. Oct. 7, 2025); *Lopez- Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Sampiaa v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (ED. Mich. Sept. 9, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Garcia v. Noem*, No. 25—cv-02180-DMS MM, 2025 WL 2549431 (SD. Cal. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (ED. Mich. Aug. 29, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Ramirez Claviiov v. Kaiser*, No. 25-CV06248-BLF, 2025 WL 2419263 (ND. Cal. Aug. 21, 2025); *Samb v. Joyce*, No. 25 Civ. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Romero v. Hyde*, No. 25-1163l-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv- 01789-ODW (DFMx), 2025 WL 2379285 (CD. Cal. Aug. 15, 2025); *Maldonado v. Olson*, No. 25-cv-03l42-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Rosado v. Figueroa*, No. 25-CV-02157-PHX-DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. 25-CV- 02157-PI-1X-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Diaz Martinez v. Hyde*, No. 25CV-l1613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Games v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025).

Where continued detention is based solely on misapplication of the governing statute, habeas corpus is the appropriate means to correct the classification and requires the agency to conduct a custody redetermination or release Petitioner from custody.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

a. Assume jurisdiction over this matter;

b. Issue an order to show cause under 28 U.S.C. § 2243 ordering Respondents to answer within 3 days;

c. Issue a writ of habeas corpus directing Respondents to release Petitioner from custody; or in the alternative, to release Petitioner from custody subject to appropriate supervision; or in the alternative, to provide a custody redetermination hearing under § 1226(a) within seven days;

d. Enjoin Respondents from continuing to detain Petitioner without providing a custody redetermination consistent with Section 1226(a) and the Immigration Judge's factual findings; and;

e. Award costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and

f. Grant such further relief as the Court deems just and proper.

Respectfully submitted on this 13th day of January, 2026.

SANDY SILVEIRA GRANADO

By his attorney:

/s/ Angela Alvero
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Attorney for Petitioner

VERIFICATION

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpus are true and correct.

Executed this 13th day of January, 2026.

/s/ Angela Alvero

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