IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

HANSEL JOSE RODRIGUEZ LEBRON,

Petitioner,

v.

KRISTI NOEM, Secretary,
U.S. Secretary of Homeland Security,

TODD M. LYONS, Acting Director,
U.S. Immigration and Customs Enforcement,

PAMELA BONDI, Attorney General,

RUSSELL HOTT, Field Office Director,
Immigration and Customs Enforcement,
Washington Field Office,

JEFFREY CRAWFORD, Warden,
Farmville Detention Center,

Respondents.

Civ. Action No. 1:26-cv-115

PETITION FOR WRITE OF HABEAS CORPUS
AND COMPLAINT FOR DECLARATORY RELIEF

1. Petitioner has an active case before the Executive Office for Immigration Reviews (EOIR). *Exh. A*. Petitioner has an upcoming Master Calendar Hearing scheduled for January 20, 2026. *Id.*

2. Petitioner was encountered and detained by U.S. Immigration and Customs Enforcement ("ICE") on January 6, 2026.

3. Petitioner has no criminal records and he has ties to his community. Petitioner currently has a pending immigration bond redetermination hearing scheduled for January 20, 2026.

However, due to recent U.S. Government directives, Immigration Judges are continuing to follow *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). ICE's detention of Petitioner without a chance to be released violates the regulation, the statute, and due process in a case such as this where the dispute is solely a legal one, not over flight risk or danger to the community. The writ of habeas corpus should issue, and this Court should order Respondents to allow Petitioner to be released with his removal proceedings pending, or at the very least, an opportunity for a fair bond redetermination hearing.

Jurisdiction and Venue

4. This action arises under the Immigration and Nationality Act of 1952 ("INA"), as amended, 8 U.S.C. § 1101 et seq., and the Due Process Clause of the Fifth Amendment to the United States Constitution. This Court has jurisdiction pursuant to Art. I, § 9, cl. 2 of the United States Constitution; 28 U.S.C. § 2241 (general grant of habeas authority to the district courts); 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. §§2201, 2202 (Declaratory Judgment Act); and 28 U.S.C. § 1651 (All Writs Act).

5. Venue is proper under 28 U.S.C. § 1391(e)(1)(A), (B) because Respondent Hott, who has a principal place of business in Fairfax, Va., is the ICE official with immediate legal custody of Petitioner, and Petitioners are currently held in ICE custody within the territorial jurisdiction of this District.

Parties

6. Petitioner Hansel Jose Rodriguez Lebron is a native and citizen of the Dominican Republic, currently detained at the Farmville Detention Facility in Farmville, VA. *Exh. B.*

7. Respondent Kristi Noem is the Secretary of Homeland Security, the cabinet department of which U.S. Immigration and Customs Enforcement is an agency. She is sued in her official capacity.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, the agency currently detaining Petitioners. He is the individual who issued orders to detain individuals like Petitioners and also has legal custody over Petitioners. He is sued in his official capacity.

9. Respondent Pamela Bondi is the Attorney General of the United States. She is sued in her official capacity.

10. Respondent Russell Hott is the Field Office Director of the Washington Field Office of U.S. Immigration and Customs Enforcement, located in Fairfax, Va. He is the immediate custodian who is currently holding Petitioner in legal custody. He is sued in his official capacity.

11. Respondent Jeffrey Crawford is the warden of the Farmville Detention Facility, where Petitioners are currently detained. He is the immediate custodian who is currently holding Petitioners in physical custody. He is sued in his official capacity.

Legal Background

12. When a noncitizen is alleged to have violated immigration laws, they are generally placed into removal proceedings, during which an immigration judge will determine whether they have a legal basis to remain in the United States. 8 U.S.C. § 1229a.

13. The statute provides that an individual may be subject to either discretionary detention under 8 U.S.C. § 1226(a), or mandatory detention under 8 U.S.C. § 1226(c) if they have been arrested or convicted of certain crimes. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c), nor has ICE alleged that he is.

14. In addition, a separate statute, 8 U.S.C. § 1225, governs aliens who have not been admitted. The statute covers "arriving aliens," "aliens not admitted or paroled into the United States who are inadmissible," and "aliens who are seeking admission and who immigration officer has determined are not clearly and beyond a reasonable doubt entitled to be admitted." Regulations define an "arriving alien" as "an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport." 8 C.F.R. § 1.2. Aliens in this category are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

15. The Board of Immigration Appeals (BIA) issued its decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025) recently. The BIA rejected the argument that a noncitizen who entered the United States without inspection and has resided in the country for years is not "seeking admission" under 8 U.S.C. § 1225(b)(2)(A). *See Id.* at 221.

16. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE makes an initial custody determination to either set a bond or hold the individual at no bond. The noncitizen may then seek a review of ICE's initial custody determination before the IJ, who has the authority to modify ICE's custody determination and set bond in a case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or deny bond completely. 8 C.F.R. § 1003.19.

Factual Allegations

17. Petitioner entered the United States without inspection between ports of entry, across the U.S.-Mexico border, on December 5, 2022.

18. On January 6, 2026, Petitioner was encountered and apprehended and detained by Department of Homeland Security ("DHS") officers.

19. Since Petitioner's proceedings with the EOIR are currently pending, Petitioner should be allowed to seek bond redetermination under 8 U.S.C. § 1226.

20. Petitioner has asked for bond redetermination with an immigration judge under 8 U.S.C. § 1226. However, *Matter of Yajure Hurtado* renders this avenue of relief moot since EOIR is categorically designating all individuals who entered the United States without inspection as "seeking admission."

Cause of Action

FIRST CLAIM OF RELIEF

Declaratory Judgement

21. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-20.

22. Petitioner requests a declaration from this Court that he is not an "arriving alien" or "seeking admission."

SECOND CLAIM OF RELIEF

No-Bond Detention in Violation of 8 U.S.C. § 1226(a)

23. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-20.

24. Since Petitioner is not an "arriving alien," and has no disqualifying criminal arrests or convictions, Petitioner is entitled to a bond redetermination by an immigration judge pursuant to 8 U.S.C. § 1226(a).

25. Respondents' actions, as set forth herein, violate Petitioner's statutory right to a bond redetermination hearing in front of an immigration judge.

THIRD CLAIM OF RELIEF

No-Bond Detention in Violation of 8 U.S.C. § 1226(a)

26. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-20.

27. Immigration detention is civil, not criminal, in nature. There are only two permissible reasons for immigration detention: to avoid flight risk, and to avoid danger to the community.

28. After entering the United States unlawfully, Petitioner was lawfully released from ICE custody into the United States and allowed to develop ties to the community. Petitioner is therefore "persons" within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution and have a liberty interest in freedom from physical restraint.

29. Respondents' actions in detaining Petitioner without bond hearings before a neutral and detached magistrate, and in failing to allow Petitioner to pay their bond and be released from detention as ordered by the neutral and detached magistrate, deprives Petitioner of his liberty rights without due process of law.

FOURTH CLAIM FOR RELIEF

Petitioners' No-Bond Detention Is *Ultra Vires* and Unauthorized by Statute

30. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-20.

31. 8 U.S.C. § 1226 does not authorize Petitioner's present detention, nor does any other detention statute.

32. In evaluating whether an agency action is *ultra vires*, the Court examines whether the agency has taken an action other than that which Congress has permitted. *City of Arlington v. FCC*, 133 S. Ct. 1863, 1869 (2013).

33. Detention of individuals who are awaiting a decision about whether they can be removed from the United States is governed by 8 U.S.C. § 1226. Subsection (a) of this provision provides that the Attorney General, whose authority is delegated to EOIR, "may continue to detain the arrested alien" and "may release the alien" on bond of at least $1,500 or on conditional parole. 8 U.S.C. § 1226(a). The only limitation on this discretionary power is if mandatory detention applies.

34. Congress' intent to assign this discretion to IJs is evident upon comparing 8 U.S.C. § 1226 with 8 U.S.C. § 1231, which discusses detention of "aliens ordered removed." That statute provides, "During the removal period, the Attorney General shall detain the alien. Under no circumstance during the removal period shall the Attorney General release an alien who has been found inadmissible under section 212(a)(2) or 212(a)(3)(B) or deportable under section 237(a)(2) or 237(a)(4)(B)." 8 U.S.C. § 1231 (internal citations omitted).

35. Congress has established a robust framework within the INA distinguishing between when an IJ has discretion to order an individual's release on bond and when an IJ does not.

36. Petitioner's continued detention is not authorized by statute, to their injury.

PRAYER FOR RELIEF

37. WHEREFORE, Petitioner respectfully request that this Court assume jurisdiction over this matter and enter an order:

a. Enjoin Petitioner's transfer outside of this judicial district pending this litigation;

b. Declare that Petitioner are not "arriving aliens";

c. Declare that Respondents' actions, as set forth herein, violate Petitioner's due process rights;

d. Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);

e. Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, upon a bond redetermination hearing before an Immigration Judge or by recognizance; and

f. Grant any other relief that this Court deems just and proper.

Respectfully submitted this 15th day of January 2026.

/s/_____

Yucheng Wang, VA Bar #93833
Immigration Law Plus
4010 University Dr, Ste 103
Fairfax, VA 22030
Phone: (703)273-8823
Email: j.wang@immigrationlawplus.com

Attorney for the plaintiff

List of Exhibits

Exh. A. EOIR Case Status

Exh. B. ICE Detainee Locator Screenshot

Certificate of Service

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants.

/s/_____ _01/15/2026_____
Date

Yucheng Wang, VA #93833
Immigration Law Plus
4041 University Dr., Ste. 103
Fairfax, VA 22030
Phone: (703)273-8823
Email: j.wang@immigrationlawplus.com