

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Henry Lanza Madrid,
A# 

Petitioner,

Case No.

v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Joseph SIMON, Field Office Director of
Enforcement and Removal Operations,
Washington Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY (DHS); Pamela
BONDI, U.S. Attorney General; EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW
(EOIR); Jeff CRAWFORD, Warden of
Farmville Detention Center,

Respondents.

INTRODUCTION

1
2 1. Petitioner Henry Lanza Madrid (A# ) brings this petition for a writ of
3 habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified
4 in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in
5 the physical custody of Respondents at the Farmville Detention Center. He now faces unlawful
6 detention because the Department of Homeland Security (DHS) and the Executive Office for
7 Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf
8 of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
23
24

1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
2 opportunity to be released on bond.

3 5. Petitioner Henry Lanza Madrid is a member of the Bond Eligible Class, as he:

- 4 a. does not have lawful status in the United States and is currently detained at the
5 Farmville Detention Center. He was apprehended by immigration authorities in
6 December 2025;
7 b. entered the United States without inspection approximately 15 years ago; and
8 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

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

11 7. The Court should expeditiously grant this petition.

12 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
13 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
14 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
15 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
16 Class member.

17 9. Immigration judges have informed class members in bond hearings that they have
18 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
19 controlling, even with respect to class members, and that instead IJs remain bound to follow the
20 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

21 10. Because Respondents are detaining Petitioner in violation of the declaratory
22 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
23 Respondent DHS must release Petitioner.

24 11. Alternatively, the Court should order Petitioner’s release unless Respondents
provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Farmville Detention Center in Farmville, VA.

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

14. 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.

VENUE

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

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

REQUIREMENTS OF 28 U.S.C. § 2243

17. 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.*

18. 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

1 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
2 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
3 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

4 **PARTIES**

5 19. Petitioner Henry Lanza Madrid is a citizen of Honduras who has been in
6 immigration detention since December, 2025. Since his arrest, the Petitioner has been detained at
7 the Farmville Detention Center.

8 20. Respondent Joseph Simon is the Director of the Washington Field Office of ICE’s
9 Enforcement and Removal Operations division. As such, Joseph Simon is Petitioner’s immediate
10 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
11 capacity.

12 21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.
13 She is responsible for the implementation and enforcement of the Immigration and Nationality Act
14 (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate
15 custodial authority over Petitioner and is sued in her official capacity.

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

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

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

25. Respondent Jeff Crawford is employed by CoreCivic as Warden of the Farmville Detention Center where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

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

27. 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).

28. 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).

29. 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).

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

31. The detention provisions at § 1226(a) and § 1225(b)(2) 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, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a)

1 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat.
2 3 (2025).

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

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

15 34. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
16 rejected well-established understanding of the statutory framework and reversed decades of
17 practice.

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

23 _____
24 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

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

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

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

14 39. Subsequently, court after court has adopted the same reading of the INA's detention
15 authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-
16 CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-
17 11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*,
18 No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and*
19 *recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug.
20 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *1 (S.D.N.Y.
21 Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn.
22 Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL
23 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D.

1 Mass. Aug. 19, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D.
 2 Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La.
 3 Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ---, 2025 WL
 4 2466670, at *8 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-
 5 EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-
 6 DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-
 7 CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*,
 8 No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *see also, e.g., Palma Perez v.*
 9 *Berg*, No. 8:25CV494, 2025 WL 2531566 at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court
 10 tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No.
 11 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v.*
 12 *Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

13 40. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it
 14 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the
 15 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

16 41. Section 1226(a) applies by default to all persons “pending a decision on whether
 17 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
 18 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

19 42. The text of § 1226 also explicitly applies to people charged as being inadmissible,
 20 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s
 21 reference to such people makes clear that, by default, such people are afforded a bond hearing
 22 under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates
 23 ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute
 24

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.

43. 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.

44. 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).

45. 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.

FACTS

46. Petitioner Henry Lanza Madrid has resided in the United States since his entry in approximately 2009 and when not detained lives in Richmond, VA. He is married to a US citizen and has a seven year old US citizen son. He has a pending T Visa based on being the victim of human trafficking and is eligible for Cancellation of Removal for Certain Nonpermanent Residents. Before his arrest, he was living with his wife and son in Richmond and has been working for 

1 [REDACTED] for the last two years. He is not a flight risk or a danger to
2 the community.

3 47. Petitioner was taken into ICE custody in December 2025.

4 48. DHS has charged Petitioner with being inadmissible under 8 U.S.C. §
5 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

6 49. Mr. Lanza Madrid may choose to pursue a bond redetermination hearing before an
7 Immigration Judge, even though EOIR's position is that it does not have jurisdiction to grant
8 release on bond to individuals who entered without inspection, pursuant to Matter of *Yajure*
9 *Hurtado*.

10 50. As a result, Petitioner remains in detention. Without relief from this court, he faces
11 the prospect of months, or even years, in immigration custody, separated from his family and
12 community. His detention creates significant and undue burden on the Petitioner's ability to assist
13 in his own defense with his removal proceedings. Additionally, removal proceedings are expedited
14 for individuals on detained dockets compared to non-detained dockets. Outside of detention on a
15 slower, non-detained docket, Petitioner will be able to continue waiting for a decision on his
16 pending T Visa and will be eligible to apply for Cancellation of Removal for Certain
17 Nonpermanent Residents. Respondents' unlawful detention of the Petitioner strips him of that
18 potential avenue for immigration relief.

19 **CLAIMS FOR RELIEF**

20 **COUNT I**

21 **Violation of the INA**

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

52. 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 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

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

COUNT II

Violation of Due Process

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

55. 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, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

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

57. The government's detention of Petitioner and refusal to comply with the Immigration Judge's bond order, and argument on appeal that he was not ever eligible for a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

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

- 1 a. Assume jurisdiction over this matter;
- 2 b. Order that Petitioner shall not be transferred outside the jurisdiction of the Eastern
3 District of Virginia while this habeas petition is pending;
- 4 c. Issue an Order to Show Cause ordering Respondents to show cause why this
5 Petition should not be granted within three days;
- 6 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner under
7 in compliance with the terms of his previous bond order, pursuant to 8 U.S.C. §
8 1226(a) within seven days;
- 9 e. Declare that Petitioner's detention is unlawful;
- 10 f. Grant any other and further relief that this Court deems just and proper.

11 DATED this 16th day of January, 2026.

12 Respectfully submitted,

13 /s/ Shawn O'Brien
14 Shawn O'Brien, Esq.
15 Virginia State Bar # 81499
16 Pachuta & Kammerman, PLLC
17 3541 Chain Bridge Road
18 Suite 208
19 Fairfax, VA 22030
20 Phone: 703-822-4701
21 Fax: 703-822-4703
22 Email: sobrien@pklegal.com

23 *Attorney for Petitioner*
24