UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Fulgencio SALAZAR BONILLA, Petitioner, v. Todd LYONS, in his capacity as Acting Director, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; Pamela BONDI, U.S. Attorney General; Executive Office for Immigration Review; David EASTERWOOD, Field Office Director of St. Paul Field Office for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations Respondents.	Case No. **PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241.**

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND
REQUEST FOR ORDER TO SHOW CAUSE UNDER § 2243

INTRODUCTION

1. Petitioner Fulgencio SALAZAR BONILLA (DOB [redacted]) is in the physical custody of Respondents at the Fort Snelling Immigration Court Detention Facility in Fort Snelling, Minnesota. However, he has been in the immediate care of the Fairview Southdale Hospital as of January 11, 2026, due to serious health concerns that require open heart surgery. He now faces unlawful detention because he's been detained by Immigration and Customs Enforcement, and the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) would likely now wrongfully conclude that Petitioner is subject to mandatory detention.

2. Based on this allegation, Respondents will likely conclude, per their recent decisions, that they do not have jurisdiction over Petitioner's bond hearing. On July 8, 2025, DHS, in collaboration with the Executive Office for Immigration Review (Immigration Courts) issued a new policy 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 inspection—to be an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention.

3. On September 5, 2025, the Board of Immigration Appeals turned this

new policy into precedent by issuing a decision that said it did "not have the authority" to hear any bond case for someone who had entered the United States without inspection. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

4. Because of this new policy and the new BIA decision, Mr. Salazar Bonilla's request for a bond before the Immigration Court will likely be denied and therefore a request would be futile. The Immigration Judge would find that it has no jurisdiction to hear the case, according to *Yajure-Hurtado,* 29 I&N Dec. 216.
5. The Respondents would therefore conclude that notwithstanding Petitioner's long residency in the United States, he is nevertheless an "applicant for admission" who is "seeking admission" and subject to mandatory detention under § 1225(b)(2)(A).
6. 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.

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

8. Accordingly, Petitioner seeks a writ of habeas corpus requiring his **immediate release** from custody or, in the alternative that he be provided a bond hearing under § 1226(a) within seven days in which DHS bears the burden of establishing the necessity of petitioner's continued detention and considers alternatives to detention that could mitigate flight risk.

JURISDICTION

1. Upon information and belief Petitioner is in the physical custody of Respondents. Petitioner is detained at the Fort Snelling Immigration Court Detention Facility in Fort Snelling, Minnesota. But he is currently being treated for emergency medical care at Southdale Fairview Hospital.

2. 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).

3. 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

1. Pursuant to 28 U.S.C. § 2241,28,U.S.C § 1331, and Article I, § 9, cl.2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and the Declaratory Judgement Act, 28 U.S.C. § 2201, jurisdiction lies in the United States District Court for the District of Minnesota, the judicial district in which Petitioner currently is detained.
2. 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 District of Minnesota.

REQUIREMENTS OF 28 U.S.C. § 2243

1. 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, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
2. 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 calendar 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).

PARTIES

1. Petitioner, Mr. Fulgencio SALAZAR BONILLA, is a citizen of Mexico who has been in immigration detention since January 11, 2026. He is detained at the Fort Snelling Immigration Court Detention Facility in Fort Snelling, Minnesota.
2. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. As such, Acting Director Todd Lyons is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
3. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
4. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive

Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

5. 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.

6. Respondent David Easterwood, Field Office Director of St. Paul Field Office for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations, and oversees the Fort Snelling Detention Facility where the Petitioner is located. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

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

2. 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).

3. 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).
4. 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).
5. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
6. 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) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).
7. 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).
8. 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. 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)).

9. 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.

10. 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 deemed "applicants for admission" under 8 U.S.C. § 1225, and therefore are 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.

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

11. On September 5, 2025, the BIA published a decision that adopts this same position and binds it on all Immigration Courts. *Yajure Hurtado*, 29 I&N Dec. 216. In *Matter of Yajure-Hurado*, the BIA explicitly held that "Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission." *Id.* In complete contradiction of decades of judicial precedence, the Board stripped Immigration Judges of jurisdiction over bond for anyone who has entered the United States without inspection.

12. ICE and EOIR have adopted this position even though federal courts have rejected this exact conclusion. For example, after 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, 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 Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion).

13. Since then, federal courts throughout the United States have

agreed with the Western District of Washington and granted preliminary injunctive relief for petitioners who entered the United States without inspections years ago. *Lopez Santos v. Noem et al*, 3:25-cv-01193-TAD-KDM (W.D. La. Sept. 11, 2025); *Hernandez Marcelo v. Trump*, 3:25-cv-00094, (S.D. Iowa September 10, 2025); *Jose J.O.E. v. Bondi*, et al, 25-cv-3051 (D. Minn August 27, 2025); *Mayo Anicasio v Kramer et. al.*, 4:25-cv-3158, (D. Neb. August 14, 2025). As almost every district court that has taken up this issue has concluded, including courts in this district, "the statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for the past three decades" clearly support the finding that §1226 is the applicable statute, not §1225. *See Buenrostro-Mendez v. Bondi*, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025) (quoting *Pizarro Reyes v. Raycraft*, 2025 WL 2609425, at *4 (E.D. Mich. Sept. 9, 2025) and citing *Lopez-Arevelo v. Ripa*, 2025 WL 2691828, at *7 (W.D. Tex. Sept. 22, 2025)); *Rodriguez*, 2025 WL 2782499, at *1 & n.3 (collecting cases); *Belsai D.S. v. Bondi*, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025)). "In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect." *Lopez-Arevelo*, 2025 WL 2691828, at *7.

14. DHS's and DOJ's interpretation defies the INA. As the *Rodriguez*

Vazquez court explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

15. 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 "decid[e] the inadmissibility or deportability of [a] [noncitizen]."

16. 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*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

17. 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.

18. 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).

19. This District has held that once DHS releases a noncitizen from immigration detention pursuant to 8 U.S.C. § 1226(a) and places them into removal proceedings, § 1226(a) governs their detention for the remainder of their proceedings. See *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025). Further, this District has held that when a DHS checks the box, "You are an alien present in the United States who has not been admitted or paroled" and chooses not to check the box, "You are an arriving alien" on a noncitizen's Notice to Appear, that serves as evidence that their detention falls under § 1226. *Id.* Since Petitioner has never been placed into removal proceedings and the terms of his release have not been revoked or cancelled, it is proper that he be immediately released from

immigration detention.

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

21. Petitioner is a member of the *Maldonado* class and thus not subject to mandatory detention. In *Maldonado Bautista v. Santacruz*, the federal court held that class members, like the Petitioner, are eligible for release on bond and are not subject to mandatory detention. *Maldonado Bautista v. Santacruz*, 5:25-cv-01873 (C.D. Cal. Dec. 18, 2025 (ECF No. 92). The Maldonado class, certified by the federal court, includes: "All noncitizens of the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under INA § 236(c) or § 241 at the time the Department of Homeland Security makes an initial custody determination." *Id.*

22. In the same order certifying the *Maldonado* class, the federal court held that the declaratory relief granted to the Petitioners extended to all members of the *Maldonado* class as a whole. *Id.* On December 18, 2025, the federal court issued a final judgment holding that *Matter of Yajure Hurtado* does not apply to class members. *Id.* See also, *Matter of Yajure*

Hurtado, 29 I&N Dec. 216 (BIA 2025). As the Petitioner is a *Maldonado* class member, he is not subject to mandatory detention.

FACTS

1. Petitioner has resided in the United States since 2002 and lives in Richfield, Minnesota. The Petitioner's first and only entry to the United States was in 2002. Since then, he has not left the USA.
2. Mr. Salazar Bonilla does not have a notice to appear document and has been undocumented in the United States since he entered. He has never been placed in removal proceedings, had any prior removal orders, or deported himself voluntarily from the United States.
3. He has a domestic partner, Ms. Silvia Salazar Bonilla, and numerous extended family members in the metro area of the Twin Cities.
4. On January 10, 2026, Mr. Salazar Bonilla was near Walmart in Bloomington, MN, when alleged ICE agents came up behind him and put him in handcuffs.
5. One day after being arrested, Mr. Salazar Bonilla was experiencing chest pains and had to be taken to the emergency room at Southdale Fairview Hospital. He had a heart attack.
6. Mr. Salazar Bonilla is currently taking seventeen medications and likely did not have access to those medications upon being arrested.
7. Mr. Salazar Bonilla is a 63-year-old man with numerous medical

problems. He has diabetes, hypertension, fluid tension issues, kidney issues, glaucoma, cataracts, and has had two to three heart attacks within the last four years. He can barely see and is very disoriented in the hospital at Southdale Fairview Hospital.

8. In addition, Mr. Salazar Bonilla experienced a hip injury after falling on the ice shortly before being arrested.

9. Over the course of more than 20 years, Mr. Salazar Bonilla has not committed any crimes in the United States.

10. The Southdale Fairview Hospital has been sharing very limited information with Mr. Salazar Bonilla's daughter.

11. The only reason why Mr. Salazar Bonilla's daughter found out his location is because the hospital called her to notify her of his whereabouts as she is listed as his emergency contact.

12. However, on approximately January 15, 2026, when his daughter called the hospital, the hospital could not find him in their system and said it was likely that he was discharged.

13. However, when his daughter called his room number directly, he picked up the phone disproving what the hospital told her. This led the daughter to believe it was likely that his hospital file is being blocked for anybody to obtain access to information.

14. That same day, January 15, 2026, is when his daughter found out

he was scheduled to have open heart surgery for the following Monday or Tuesday and that the hospital was still working on stabilizing his condition.

15. As of the date of this petition, Mr. Salazar Bonilla is scheduled to have coronary artery bypass surgery on Wednesday January 21, 2026.

16. Now, the daughter's access to her father's MyChart has been completely inaccessible and she is no longer able to see what's going on with his condition at the hospital.

17. Without relief from this court, Mr. Salazar Bonilla faces the very real possibility of imminent death without saying goodbye to his loved ones. He is all alone in a hospital that is not sharing any information as to his condition and no one can get in contact with him. Due to his particularly vulnerable state of health, his family is concerned and needs to provide him with the support he needs. He also has many medications that he relies on in order to maintain the state of current health.

18. Without relief from this court, Mr. Salazar Bonilla faces prospect of months, or even years, in immigration custody, separated from his family and community, despite the fact that there have been no material changes in Mr. Salazar Bonilla's circumstances that would justify his detention.

19. Mr. Salazar Bonilla's continued detention will bring irreparable

harm to him and his family for time lost that they could have spent ensuring the stability of his health and giving him the support he needs. It is also plainly inhumane to detain a person such as Mr. Salazar Bonilla who is in an extreme vulnerable state of health, who's life is, or what it seems, is hanging in the balance.

REMEDIES

1. Petitioner moves for this Court to order the Respondents to **immediately release** the Petitioner. In the alternative, Petitioner moves for the court to order the Respondents to provide Petitioner with constitutionally adequate bond hearing. He also moves for this Court to enjoin Respondents from invoking the auto-stay provisions during any pending bond appeal, should the Immigration Judge issue a bond to him. The auto-stay provisions have been found by other courts to be *ultra vires* because they authorize DHS to arbitrarily deny him his right to liberty.
2. 8 C.F.R. § 1003.19(i)(2) gives DHS unilateral authority to block an Immigration Judge's custody order through the auto-stay provision. Under that "automatic stay" regulation, if DHS disagrees with an Immigration Judge's custody determination, DHS can file a boilerplate notice of intent to appeal that automatically stays the Immigration Judge's order. In other words, the prosecuting officials who failed to keep the non-citizen detained in the first place can unilaterally block the

Immigration Judge's order and force continued detention.

3. While the regulations provide that DHS's automatic stay will lapse in 90 days absent a BIA decision on the appeal, there are multiple avenues for extension. 8 C.F.R. § 100.36(c)(4). For example, if the BIA does not issue a decision in the 90-day window, DHS can then seek an additional discretionary stay from the BIA. 8 C.F.R. § 1003.6(c)(5). The automatic stay remains in effect for another 30 days while the BIA decides whether to grant a discretionary stay. *Id.*

4. Even if the BIA rules in favor of the non-citizen on appeal and authorizes his release on bond, that release is automatically stayed for five more business days to give DHS a chance to refer the case to the Attorney General. 8 C.F.R. § 1003.6(d). Then, if DHS refers the case to the Attorney General, the automatic stay is extended for another 15 days. *Id.* The Attorney General may then stay release for the pendency of the case. *Id.* There is no prescribed time limit for final resolution of the custody determination, meaning an individual may remain in detention indefinitely. In sum, should DHS invoke the auto-stay provisions, Petitioner will have no way of knowing how long this automatic stay will last and has no opportunity to challenge the stay. In practice, the automatic stay regulation renders any Immigration Judge's custody decisions ineffectual: If DHS disagrees with a custody decision, it can

keep Petitioner detained for a minimum of 90 days, without a truly discernable end point.

5. This auto-stay provision has been deemed *ultra vires* and a violation of the APA by several courts. *See*, e.g., *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025)(finding the government's use of automatic stay provision to appeal IJ's bond decision ultra vires because it "renders both the discretionary nature of Petitioner's detention and the IJ's authority a nullity"); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521, at *5 (D. Neb. Sep. 3, 2025) (holding that the automatic stay provision is ultra vires because it "exceeds the statutory authority Congress gave to the Attorney General"); *Zavala v. Ridge*, 310 F. Supp. 2d. 1071, 1079 (N.D. Cal. 2004) (finding the automatic stay regulation ultra vires because it "effectively eliminates the discretionary nature of the immigration judge's determination and results in a mandatory detention . . . of a new class of aliens, although Congress has specified that such individuals are not subject to mandatory detention"); *see also Anicasio v. Kramer*, No. 25-cv-3158, 2025 WL 2374224 (D. Neb. Aug. 14, 2025).

6. The automatic stay regulation violates the Administrative Procedure Act (APA) and is *ultra vires* because it is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. §

706(2)(C), and Petitioner moves for this Court to enjoin Respondents from invoking it at or after any future bond hearing ordered by this Court.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

1. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
2. 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.
3. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II

Violation of Due Process

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. 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).
3. Petitioner has a fundamental interest in liberty and being free from official restraint.
4. 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.
5. Any use of the auto-stay provision found at 8 C.F.R. § 1003.19(i)(2) is *ultra vires* and a violation of his rights to due process.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be transferred outside the district of Minnesota while this habeas petition is pending;

c. Order the Respondents to show cause within 3 days of receiving this petition;

d. Declare that the actions of Respondents as set forth in the Petition and Motion violate the Fifth Amendment of the United States Constitution, 28 U.S.C. § 2241, the APA, and the INA;

e. Issue a writ of habeas corpus requiring that Respondents **immediately release** Petitioner;

f. Or provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days;

g. Enjoin Respondents from denying Petitioner's bond under U.S.C. § 1225(b)(2);

h. Should the Immigration Judge grant a bond, enjoin Respondents from invoking the auto-stay provision found at 8 C.F.R. § 1003.19(i)(2) during the pendency of any bond appeal; and

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

DATED this 16th of January of 2026

By: /s/ Joseph D. Kantor

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Verification Pursuant to 28 U.S.C. § 2242

The undersigned counsel submits this verification on behalf of the Petitioner. Undersigned lar firm has discussed with Petitioner's daughter the events described in this Petition for Habeas Corpus and, on the basis of those discussions, verify that the statements in the Petition are true and correct to the best of his knowledge and belief.

Date: 16th of Jan. 2026 */s/ Joseph D. Kantor*