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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

ELISEO MORENO-HERNANDEZ,



Petitioner,

v.

TONY NORMAND, WARDEN,  
FOLKSTON ICE PROCESSING  
CENTER

Respondent.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1  
2 **INTRODUCTION**

3 1. Petitioner, Mr. Eliseo Moreno Hernandez is in the physical custody of  
4 Respondents at the Folkston ICE Processing Center. He now faces unlawful  
5 detention because the Department of Homeland Security (DHS) and the Executive  
6 Office of Immigration Review (EOIR) have concluded Petitioner is subject to  
7 mandatory detention.  
8

9 2. Petitioner is charged with, inter alia, having entered the United States  
10 without admission or inspection. See 8 U.S.C. § 1182(a)(6)(A)(i).

11 3. Based on this allegation in Petitioner’s removal proceedings, DHS  
12 denied Petitioner release from immigration custody, consistent with a new DHS  
13 policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement  
14 (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e.,  
15 those who entered the United States without admission or inspection—to be subject  
16 to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released  
17 on bond.  
18

19 4. Similarly, on September 5, 2025, the Board of Immigration Appeals  
20 (BIA or Board) issued a precedent decision, binding on all immigration judges,  
21 holding that an immigration judge has no authority to consider bond requests for any  
22 person who entered the United States without admission. *See Matter of Yajure*  
23 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such  
24

1  
2 individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore  
3 ineligible to be released on bond.

4       5.     Petitioner’s detention on this basis violates the plain language of the  
5 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to  
6 individuals like Petitioner who previously entered and are now residing in the United  
7 States. Instead, such individuals are subject to a different statute, § 1226(a), that  
8 allows for release on conditional parole or bond.  
9

10       6.     Respondents’ new legal interpretation is plainly contrary to the  
11 statutory framework, contrary to decades of agency practice applying § 1226(a), and  
12 contrary to recent federal decisions—including decisions of this Court—holding that  
13 § 1225(b)(2) applies only to individuals who are “seeking admission” in the context  
14 of an arrival inspection by an examining immigration officer.  
15

16       7.     Notably, Petitioner is a member of the certified class in *Lazaro*  
17 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403  
18 (C.D. Cal. Nov. 25, 2025), which rejected Respondents’ interpretation of §  
19 1225(b)(2). Yet despite this class-wide decision, and despite this Court’s own  
20 holdings, the Stewart Immigration Court continues to refuse to find jurisdiction to  
21 conduct bond hearings for individuals like Petitioner—leaving habeas corpus as the  
22 only available mechanism for judicial review of Petitioner’s detention.  
23  
24

1  
2 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he  
3 be released unless Respondents provide a bond hearing under § 1226(a) within seven  
4 days.

### 5 JURISDICTION

6 9. Petitioner is in the physical custody of Respondents. Petitioner is  
7 detained at the Folkston ICE Processing Center located in Lumpkin, Georgia.  
8

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

12 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the  
13 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.  
14 § 1651.  
15

### 16 VENUE

17 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.  
18 484, 493- 500 (1973), venue lies in the United States District Court for the Southern  
19 District of Georgia, the judicial district in which Petitioner currently is detained.

20 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)  
21 because Respondents are employees, officers, and agencies of the United States, and  
22 because a substantial part of the events or omissions giving rise to the claims  
23 occurred in the Southern District of Georgia.  
24

1  
2 **REQUIREMENTS OF 28 U.S.C. § 2243**

3 14. The Court must grant the petition for writ of habeas corpus or order  
4 Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief.  
5 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return  
6 “within three days unless for good cause additional time, not exceeding twenty days,  
7 is allowed.” *Id.*

8  
9 15. Habeas corpus is “perhaps the most important writ known to the  
10 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases  
11 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis  
12 added). “The application for the writ usurps the attention and displaces the calendar  
13 of the judge or justice who entertains it and receives prompt action from him within  
14 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.  
15 2000) (citation omitted).  
16

17 **PARTIES**

18 16. Petitioner, Mr. Elisoe Moreno Hernandez is native and citizen of  
19 Mexico who has been in immigration detention since October 25, 2025. After  
20 arresting Petitioner, ICE did not set bond and Petitioner is unable to obtain review  
21 of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*,  
22 29 I. & N. Dec. 216 (BIA 2025).  
23  
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1  
2 17. Respondent, the Warden of the Folkston ICE Processing Center, is  
3 employed by GEO Group. He has immediate physical custody of Petitioner. He is  
4 sued in his official capacity.

5  
6 **LEGAL FRAMEWORK**

7 18. The Immigration and Nationality Act (“INA”) establishes several  
8 detention schemes for noncitizens in removal proceedings.

9 19. First, 8 U.S.C. § 1226 governs the detention of individuals placed in  
10 standard removal proceedings under § 1229a. Noncitizens detained under § 1226(a)  
11 are generally entitled to a custody redetermination before an Immigration Judge  
12 unless they fall into the narrow mandatory-detention categories of § 1226(c).

13 20. Second, 8 U.S.C. § 1225(b)(1)–(2) provides for mandatory detention of  
14 certain individuals seeking admission who are inspected at the border and  
15 determined not “clearly and beyond a doubt entitled to be admitted.” This detention  
16 framework is tied to the process of arrival inspection performed by an examining  
17 immigration officer.

18 21. Third, 8 U.S.C. § 1231 governs detention of individuals who are subject  
19 to final orders of removal.  
20

21 22. This case turns on the proper application of § 1226(a) versus §  
22 1225(b)(2) for a noncitizen like Petitioner—an individual who entered the United  
23  
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1  
2 States years ago, resided here, and was apprehended within the interior, not at a port  
3 of entry.

4 23. Historically, individuals who entered without inspection and were later  
5 placed in § 1229a removal proceedings were treated as detained under § 1226, not §  
6 1225. EOIR regulations following IIRIRA confirm that such individuals were not  
7 considered “arriving” and therefore were eligible for bond hearings. *See* 62 Fed. Reg.  
8 10312, 10323 (Mar. 6, 1997).

10 24. For decades, consistent with this regulatory framework and prior  
11 immigration law, noncitizens who entered without inspection and were apprehended  
12 inside the United States received custody redeterminations unless subject to §  
13 1226(c). *See* former 8 U.S.C. § 1252(a) (1994); H.R. Rep. No. 104-469, pt. 1, at 229  
14 (1996).

15  
16 **The Government’s Recent Policy Shift**

17 25. On July 8, 2025, ICE—“in coordination with” DOJ—issued guidance  
18 declaring that all individuals who entered without inspection must now be detained  
19 under § 1225(b)(2)(A), regardless of when they entered the United States or whether  
20 they were ever inspected by an immigration officer.

21  
22 26. On September 5, 2025, the BIA adopted this new position in *Matter of*  
23 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), holding that any noncitizen who  
24

1  
2 entered without admission is subject to § 1225(b)(2)(A) and categorically barred  
3 from a bond hearing.

4 **This Court Has Rejected Respondents' Interpretation**

5 27. This Court has already rejected the government's reading of §  
6 1225(b)(2). In *Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 \*(S.D. Ga. Nov.  
7 4, 2025), the Court held that § 1225(b)(2) applies only to noncitizens who are  
8 "seeking admission" in the context of an arrival inspection by an examining  
9 immigration officer.  
10

11 28. The Court explained that "seeking admission" requires an affirmative  
12 act at or near the time of arrival to obtain legal entry, coupled with contemporaneous  
13 inspection. The Court rejected DHS's argument that individuals apprehended years  
14 after entering the United States may be treated as if they were seeking admission. *Id.*  
15 at 3.  
16

17 29. Applying that interpretation, the Court concluded that § 1225(b)(2)  
18 does not apply to individuals like Petitioner, whose alleged inadmissibility is based  
19 on conduct occurring long after entry and not in connection with an arrival inspection.  
20

21 **The Bautista Class Action Confirms Petitioner's Eligibility for Bond**

22 30. Petitioner is also a member of the certified class in *Lazaro Maldonado*  
23 *Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.  
24 Nov. 25, 2025), which likewise held that § 1225(b)(2) mandatory detention does not

1  
2 apply absent an arrival inspection. DHS has acknowledged in other litigation that it  
3 is still “developing its decision” concerning the application of that ruling.

#### 4 **Courts Nationwide Have Rejected the Government’s Theory**

5       31. Federal courts across the country have agreed that § 1226(a)—not §  
6 1225(b)—governs detention of individuals apprehended inside the United States,  
7 even when they originally entered without inspection. *See, e.g., Rodriguez Vazquez*  
8 *v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, 2025 WL  
9 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, 2025 WL 2084238 (D.  
10 Mass. July 24, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11,  
11 2025); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);  
12 *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro*  
13 *Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).

14  
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16       32. These courts uniformly conclude that Respondents’ interpretation  
17 contradicts the statutory text, structure, and decades of agency practice.

#### 18 **Stewart Immigration Court’s Continued Refusal to Exercise Jurisdiction**

19       33. Despite this Court’s binding precedent and the Bautista class decision,  
20 the Stewart Immigration Court continues to decline jurisdiction over custody  
21 redeterminations for noncitizens like Petitioner, based on the BIA’s erroneous  
22 decision in *Matter of Yajure Hurtado*.  
23  
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1  
2 34. Because Petitioner has no administrative avenue to challenge his  
3 custody, habeas corpus is the only remedy capable of addressing the ongoing  
4 violation of federal law

5  
6 **FACTUAL BACKGROUND**

7 35. Petitioner is a native and citizen of Mexico who entered the United  
8 States in or about 2007 without inspection. He is currently forty-seven (47) years old  
9 and has resided continuously in the United States for almost two decades.

10 36. Since his entry, Petitioner has established deep and enduring ties to the  
11 United States. He currently resides in Baxley, Georgia, where he owns his own home  
12 and pays a monthly mortgage, demonstrating long-term stability and commitment to  
13 his community.

14 37. Petitioner is the father of two United States citizen children ages  
15 eighteen and sixteen. Petitioner has been a consistent presence in his children's lives  
16 and has provided them with financial, emotional, and parental support.

17 38. Petitioner has worked consistently for the past eight years in the  
18 farming industry. He has maintained steady employment and has supported himself  
19 and his family.  
20

21 39. Petitioner was detained following a traffic stop on or about October 25,  
22 2025, after a police officer initiated a stop due to a malfunctioning headlight. This  
23 minor equipment issue led to his arrest and subsequent immigration detention. He  
24

1  
2 was not apprehended at or near the border, nor was he seeking admission to the  
3 United States at the time of his arrest.

4 40. Petitioner poses no flight risk and no danger to the community. His  
5 thirty years of residence in the United States, provider of U.S. citizen children,  
6 property in Georgia, consistent tax compliance, and lack of criminal history  
7 overwhelmingly demonstrate that he is an appropriate candidate for release on bond  
8 under INA § 236(a).  
9

10 41. Petitioner's continued detention violates due process because it is based  
11 on an unlawful application of INA § 235 to an individual who was apprehended  
12 inside the United States long after entry and who is not seeking admission. Petitioner  
13 therefore falls squarely within the discretionary detention framework of INA §  
14 236(a), which entitles him to an individualized bond hearing.  
15

16 42. By continuing to detain Petitioner without bond while his immigration  
17 case remains pending—despite his extensive equities, serious family hardship, and  
18 lack of any disqualifying factors—Respondents are subjecting him to prolonged and  
19 arbitrary imprisonment in violation of the Fifth Amendment's Due Process Clause,  
20 thereby necessitating habeas relief.  
21

22 43. Petitioner's continued detention also violates due process because it is  
23 based on an unlawful statutory interpretation already rejected by this Court and by a  
24 certified nationwide class action. In *Villa v. Normand*, this Court held that 8 U.S.C.

1  
2 § 1225(b)(2) applies only when a noncitizen is “seeking admission” in the context  
3 of an arrival inspection by an examining immigration officer. Petitioner, however,  
4 was apprehended inside the United States years after his entry and therefore falls  
5 squarely within the detention framework of § 1226(a), which entitles him to a bond  
6 hearing.

7  
8 44. Likewise, Petitioner is a member of the certified class in *Lazaro*  
9 *Maldonado Bautista v. Santacruz*, which likewise held that § 1225(b)(2) mandatory  
10 detention cannot apply absent an arrival inspection. Nevertheless, ICE continues to  
11 detain Petitioner under § 1225(b)(2), and the Stewart Immigration Court refuses to  
12 exercise jurisdiction to conduct a bond hearing.

13  
14 45. Because Petitioner is a long-term resident of the United States with  
15 more than two decades of continuous presence, deep family and community ties, has  
16 property interests in Georgia, and no criminal history beyond minor traffic offenses,  
17 his continued and prolonged detention without any opportunity for individualized  
18 custody review violates the fundamental requirements of due process and  
19 underscores the urgent necessity of habeas relief.

20  
21 **CLAIMS FOR RELIEF**

22 **COUNT I**  
23 **Violation of the INA**

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

1  
2 47. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not  
3 apply to all noncitizens residing in the United States who are subject to the grounds  
4 of inadmissibility. As relevant here, it does not apply to those who previously  
5 entered the country and have been residing in the United States prior to being  
6 apprehended and placed in removal proceedings by Respondents. Such noncitizens  
7 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or  
8 § 1231.  
9

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

12 **COUNT II**

13 **Violation of the Bond Regulations**

14  
15 49. Petitioner incorporates by reference the allegations of fact set forth in  
16 preceding paragraphs.

17 50. In 1997, after Congress amended the INA through IIRIRA, EOIR and  
18 the then-Immigration and Naturalization Service issued an interim rule to interpret  
19 and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and  
20 Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants  
21 for admission, [noncitizens] who are present without having been admitted or  
22 paroled (formerly referred to as [noncitizens] who entered without inspection) will  
23 be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis  
24

1  
2 added). The agencies thus made clear that individuals who had entered without  
3 inspection were eligible for consideration for bond and bond hearings before IJs  
4 under 8 U.S.C. § 1226 and its implementing regulations.

5 51. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy  
6 and practice of applying § 1225(b)(2) to individual like Petitioner.  
7

8 52. The application of § 1225(b)(2) to Petitioner unlawfully mandates his  
9 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

10 **COUNT III**  
11 **Violation of Due Process**

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

14 54. The government may not deprive a person of life, liberty, or property  
15 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—  
16 from government custody, detention, or other forms of physical restraint—lies at the  
17 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690  
18 (2001).  
19

20 55. Petitioner has a fundamental interest in liberty and being free from  
21 official restraint.

22 56. The government’s detention of Petitioner without a bond  
23 redetermination hearing to determine whether he is a flight risk or danger to others  
24 violates his right to due process.

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**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 Southern District of Georgia while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner’s detention is unlawful;
- f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 18th day of January, 2026.

ZAMBRANO LAW,

/s/ Shirley C. Zambrano

Shirley C. Zambrano

GA Bar Number: 741429

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Atlanta, GA 30339

Phone: 770-769-5821

Fax: 770-769-5810

szambrano@zambranolaw.com

*Counsel for Petitioner*

1  
2 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

3 I represent Petitioner, Mr. Eliseo Moreno Hernandez, and submit this  
4 verification on his behalf. I hereby verify that the factual statements made in the  
5 foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my  
6 knowledge.

7 DATED this 18th day of January, 2026.

8 ZAMBRANO LAW,

9  
10 /s/ Shirley C. Zambrano

11 Shirley C. Zambrano

12 GA Bar Number: 741429

13 1995 North Park Place, Suite 360

14 Atlanta, GA 30339

15 Phone: 770-769-5821

16 Fax: 770-769-5810

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*Counsel for Petitioner*

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 ELISEO MORENO HERNANDEZ/A241-110-853

**(b)** County of Residence of First Listed Plaintiff Charlton  
*(EXCEPT IN U.S. PLAINTIFF CASES)*

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 Shirley Zambrano, Zambrano Law LLC, 1995 N. Park PL, Suite 360,  
 Atlanta, GA 30339, 770-769-5820

**DEFENDANTS**  
 TONY NORMAND, WARDEN, FOLKSTON ICE PROCESSING CENT

County of Residence of First Listed Defendant \_\_\_\_\_  
*(IN U.S. PLAINTIFF CASES ONLY)*

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
 U.S. Attorney's Office for the Southern District of GA

**II. BASIS OF JURISDICTION** *(Place an "X" in One Box Only)*

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question *(U.S. Government Not a Party)*

4 Diversity *(Indicate Citizenship of Parties in Item III)*

**III. CITIZENSHIP OF PRINCIPAL PARTIES** *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*  
*(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)* [Click here for Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from Another District *(specify)*  
  6 Multidistrict Litigation - Transfer  
  8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:  
28 U.S.C. § 2241-2243

Brief description of cause:  
Unlawful detention under 8 U.S.C. § 1225(b)(1)-(2)

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      **DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint  
**JURY DEMAND:**    Yes    No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*      JUDGE \_\_\_\_\_      DOCKET NUMBER \_\_\_\_\_

DATE: 01/18/2026      SIGNATURE OF ATTORNEY OF RECORD: s/s Shirley C. Zambrano

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_      AMOUNT \_\_\_\_\_      APPLYING IFP \_\_\_\_\_      JUDGE \_\_\_\_\_      MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.