

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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ERKYN ALCANTARA ARAUJO

Petitioner,

v.

Case No: 3:26-CV-00110

**PETITION FOR WRIT OF
HABEAS CORPUS**

WARDEN, PIKE COUNTY CORRECTIONAL CENTER;
TODD LYONS, in his official capacity as Acting
Director of U.S. Immigration and Customs Enforcement;
KRISTI NOEM, in her official capacity as Secretary of the
United States Department of Homeland Security; and
PAMELA BONDI, in her official capacity as Attorney General
of the United States,

Respondents.

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INTRODUCTION

NOW COMES Petitioner, by and through undersigned counsel, and seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his continued immigration detention at Pike County Correctional Facility. Petitioner contests Respondents' determination that he is subject to mandatory detention as an applicant for admission, notwithstanding his prior encounter with immigration authorities, positive credible fear determination, discretionary release into the interior of the United States, and placement into removal proceedings. As applied to Petitioner, this detention classification, adopted by the Attorney General, and as enforced through Board of Immigration Appeals precedent, has resulted in prolonged confinement without any forum empowered to conduct an individualized custody determination or order release.

PARTIES

1. Petitioner Erkyn Alcantara Araujo is a native and citizen of the Dominican Republic who is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at Pike County Correctional Center, located in Pike County, Pennsylvania. Petitioner is in ICE custody under color of immigration authority and seeks relief through this petition for a writ of habeas corpus to challenge the legality of his detention.

2. Respondent Warden of Pike County Correctional Facility is Petitioner’s immediate custodian and is sued in his official capacity. The Warden is responsible for the day-to-day operation and oversight of the facility where Petitioner is confined and exercises legal and physical control over Petitioner.

3. Respondent Todd Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, Respondent Lyons is responsible for the administration and enforcement of the immigration laws of the United States. He routinely transacts business in Middle District of Pennsylvania, is legally responsible for pursuing removal of noncitizens including Petitioner, and is therefore a legal custodian of Petitioner. Respondent Lyons may be served at: ICE, Office of the Principal Legal Advisor, 500 12th Street SW, Mail Stop 5900, Washington, DC 20536-5900.

4. Respondent Kristi Noem is named in her official capacity as Secretary of the U.S. Department of Homeland Security. In this role, she has authority under Section 103(a) of the Immigration and Nationality Act, 8 U.S.C. § 1103(a), for the administration and enforcement of the immigration laws. She routinely transacts business in the Middle District of Pennsylvania and is a legal custodian of Petitioner. Respondent Noem may be served at: U.S. Department of

Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Avenue SE, Washington, DC 20528-0485.

5. Respondent Pamela Bondi is the Attorney General of the United States and is sued in her official capacity. As head of the U.S. Department of Justice, she is responsible for oversight and enforcement of immigration law under 8 U.S.C. § 1103(g). She routinely transacts business in the Middle District of Pennsylvania and is a legal custodian of Petitioner. Respondent Bondi may be served at: U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001.


JURISDICTION & VENUE

6. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause) and Article III of the U.S. Constitution, the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; and 28 U.S.C. § 2201 (Declaratory Judgment).

7. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201, and this Court has authority to grant declaratory and injunctive relief. *Id.* §§ 2201, 2202. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

8. Venue is proper in the Middle District of Pennsylvania under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. At the time this proceeding was initiated, Petitioner was detained at the Pike County Correctional Center. The Petitioner is presently detained at the direction of Respondents and a substantial part of the events giving rise to the claims and relevant facts occurred within this district.

STATEMENT OF FACTS

9. Petitioner Erkyn Alcantata Araujo (A# ) is a native and citizen of Dominican Republic.

10. Petitioner entered the United States near El Paso, Texas, on or about November 24, 2022, where he encountered immigration authorities, turned himself over to the Department of Homeland Security, and affirmatively sought asylum.

11. Petitioner was screened for fear of persecution and received a positive credible fear determination, triggering placement into removal proceedings for adjudication of asylum and related protection-based relief.

12. Following the positive credible fear determination, the Department of Homeland Security exercised its discretion to release Petitioner from custody, permitting him to reside within the interior of the United States while his removal proceedings remained pending.

13. Petitioner complied with all conditions of release and lived at liberty in the United States for an extended period, during which time he pursued asylum relief, maintained valid employment authorization, and remained available to immigration authorities.

14. On or about November 15, 2025, Petitioner was encountered by ICE Enforcement and Removal Operations (ERO) Pike County while in local custody at Luzerne County Prison following a state arrest. After conducting records checks, ERO officers issued an immigration detainer and administrative arrest warrant, asserting that Petitioner was removable.

15. On or about November 15, 2025, DHS took Petitioner into custody from the Luzerne County Prison, which is not at or near a port of entry.

16. Thereafter, DHS issued a new Notice to Appear and reclassified Petitioner as subject to mandatory detention as an applicant for admission, asserting detention authority applicable to expedited or arriving alien procedures.

17. Petitioner was then transferred into ICE custody and ultimately to Pike County Correctional Facility, where he has remained continuously detained since that time.

18. Petitioner requested a custody redetermination and bond hearing before the Immigration Court. on or about November 26, 2025, submitting supplemental evidence and relying on a federal district court decision in *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr* (5:25-cv-01873) which addressed the agency's interpretation of detention authority and the scope of Immigration Court bond jurisdiction for certain noncitizens.

19. The Immigration Judge denied the bond request for lack of jurisdiction. In doing so, the Immigration Judge reasoned that although a federal district court had issued an order granting partial summary judgment in litigation challenging the agency's interpretation of detention authority, that order was interlocutory, not a final judgment, and therefore not binding. The Immigration Judge further concluded that, absent a final judgment, agency precedent remained controlling, and that the Immigration Court therefore lacked authority to conduct a bond hearing, citing *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

20. As a result of this jurisdictional ruling, the Immigration Judge refused to conduct any individualized custody determination, including any assessment of flight risk, danger, or the necessity of continued detention. Petitioner has since remained detained without any neutral adjudicator empowered to order his release.

21. On December 18, 2025, in that same California litigation, the Court revisited its decision, granted partial summary judgment and clarified the scope and reach of its prior ruling

rejecting the agency's interpretation of detention authority as applied to certain noncitizens. Undersigned counsel participated in that litigation by submitting written testimony to the court.

22. Following the issuance of the December 18, 2025 order, Petitioner resubmitted a request for bond on or about December 19, 2025, asserting that the prior jurisdictional basis for denial no longer applied.

23. The Immigration Judge again summarily denied bond, concluding that Petitioner was subject to mandatory detention on an independent basis derived from agency precedent predating *Yajure Hurtado*, which the Immigration Judge determined had not been addressed by the California district court's decision, and that the Immigration Court therefore lacked jurisdiction to conduct a custody redetermination hearing, citing *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) as binding on the Court.

24. In denying bond, the Immigration Judge distinguished the California litigation on the ground that the nationwide class certified in that case applied to individuals who had entered without inspection and had never previously been encountered or processed by immigration authorities, and who were residing in the United States without having been placed into inspection or removal proceedings.

25. The Immigration Judge concluded that Petitioner did not fall within that class because Petitioner had been previously encountered, processed, released, and placed into removal proceedings, and that Petitioner's interior re-detention was therefore governed by agency precedent of the *Matter of Q. Li* that required mandatory detention and precluded bond jurisdiction for immigration courts, even though the facts in *Q. Li* differed quite drastically from this Petitioner and others whom are similarly situated, as having entered under the Biden Administration and seeking refuge in the United States.

26. As a result of these rulings, Petitioner remains detained pursuant to executive custody determinations alone, following the administrative revocation of parole or release, without any Immigration Judge authorized to review custody, assess flight risk or danger, or order release, notwithstanding that Petitioner had previously been lawfully at liberty and awaiting adjudication of his asylum application prior to being redetained by ICE.

GROUNDS FOR RELIEF

GROUND ONE

Unlawful Detention Authority and Jurisdictional Misclassification

(28 U.S.C. § 2241 — Statutory Claim)

29. Petitioner realleges and incorporates by reference all preceding paragraphs as if more fully set forth herein.

30. Respondents are unlawfully detaining Petitioner under a theory of mandatory detention applicable to applicants for admission, notwithstanding that Petitioner was previously encountered, screened, released by DHS, and permitted to reside in the interior of the United States while removal proceedings were pending.

31. After Petitioner's interior re-detention in November 2025, DHS issued a new Notice to Appear and unilaterally reclassified Petitioner as subject to mandatory detention, asserting that Petitioner was an "applicant for admission" and that Immigration Judges therefore lacked jurisdiction to conduct any custody redetermination.

32. As applied to Petitioner, this detention theory improperly collapses distinct detention frameworks by treating an interior re-arrest—occurring years after DHS affirmatively released Petitioner—as if it were arrival-stage or inspection-stage detention.

33. The Immigration Judge adopted Respondents' detention classification and disclaimed jurisdiction to conduct a bond hearing, first relying on the interlocutory nature of related federal litigation, and then relying on agency precedent to conclude that mandatory detention applied notwithstanding Petitioner's prior release and placement into removal proceedings.

34. This interpretation and application of detention authority has resulted in Petitioner's continued confinement without any forum empowered to review custody, assess risk, or order release.

35. Habeas corpus relief under 28 U.S.C. § 2241 is available to test whether executive detention exceeds lawful statutory authority. Where detention rests on an erroneous classification that forecloses all custody review, continued confinement is unlawful.

36. Because Petitioner's detention is premised on an as-applied misclassification of detention authority, Respondents are detaining Petitioner without lawful statutory basis.

37. Petitioner is therefore entitled to habeas relief requiring Respondents to cease treating Petitioner as subject to mandatory detention, and to provide a prompt custody redetermination before a neutral adjudicator with authority to order release, or, in the alternative, to release Petitioner from custody.

GROUND TWO

Violation of the Fifth Amendment Due Process Clause

(Prolonged Detention Without Any Individualized Custody Hearing)

38. Petitioner realleges and incorporates by reference all preceding paragraphs as if more fully set forth herein.

39. Even if Respondents contend that Petitioner's detention is authorized under mandatory detention provisions, the Due Process Clause of the Fifth Amendment independently limits civil immigration detention.

40. Petitioner has been detained for months following an interior re-arrest, after having previously been released by DHS and permitted to reside lawfully in the community while his asylum application remained pending.

41. Throughout Petitioner's detention, no neutral decision-maker has conducted any individualized custody determination, including any assessment of flight risk, danger, or the necessity of continued confinement.

42. The Immigration Judge expressly refused to conduct a bond hearing, concluding that the Immigration Court lacked jurisdiction to consider custody under the agency's detention framework.

43. As a result, Petitioner's continued detention rests solely on executive determinations, without any adversarial process, burden of proof, or opportunity to contest confinement before a neutral adjudicator.

44. Civil immigration detention without any individualized custody hearing, and without any forum capable of ordering release, violates fundamental due process protections, particularly where detention has become prolonged and indeterminate.

45. The absence of any custody review mechanism creates an unconstitutional “no-forum” regime, under which Petitioner remains confined solely because no adjudicator is authorized to hear his custody claim.

46. Due process requires, at a minimum, a prompt, individualized custody hearing at which the government bears the burden of justifying continued detention.

47. Because Respondents have failed to provide any constitutionally adequate process, Petitioner’s continued detention violates the Fifth Amendment.

48. Petitioner is therefore entitled to habeas relief ordering Respondents to provide a constitutionally adequate individualized custody hearing on an expedited schedule, or to release Petitioner from custody.

NO ADEQUATE ALTERNATIVE REMEDY

49. Petitioner has exhausted all available administrative avenues for custody review. Petitioner sought custody redetermination and bond before the Immigration Court on multiple occasions, and each request was denied on jurisdictional grounds based on binding agency precedent.

50. Immigration Judges have repeatedly disclaimed jurisdiction to conduct any custody redetermination in Petitioner’s case, relying on precedential decisions of the Board of Immigration Appeals that adopt and enforce the current administration’s interpretation of mandatory detention authority.

51. The Board of Immigration Appeals has now twice ruled in favor of the government’s detention position in materially indistinguishable cases, expressly endorsing interpretations that categorically foreclose Immigration Court jurisdiction over bond and custody redeterminations for individuals situated like Petitioner.

52. In doing so, the Board has made clear that it considers itself bound by, and aligned with, the enforcement position of the Department of Homeland Security and the Attorney General with respect to mandatory detention, leaving no realistic prospect that further administrative appeal would result in relief.

53. Because the Immigration Court has disclaimed jurisdiction and the Board has authoritatively resolved the relevant legal questions against individuals in Petitioner's position, any further appeal to the Board would be futile, as no unbiased or independent administrative tribunal remains empowered to reconsider or overturn the detention determinations at issue.

54. Moreover, the current administrative framework governing immigration adjudication has been restructured through changes in Immigration Judge hiring, assignment, and removal practices, resulting in an adjudicatory environment in which Immigration Judges and the Board are institutionally constrained to adhere to the administration's enforcement priorities and detention interpretations.

55. As applied here, this structure has produced a closed administrative loop in which executive detention decisions are insulated from meaningful review, and Immigration Judges are effectively foreclosed from exercising independent judgment over custody determinations for individuals subject to the challenged detention classification.

56. Under these circumstances, requiring Petitioner to pursue further administrative review would serve no purpose other than delay, as the agency has conclusively determined that no custody jurisdiction exists and has provided no mechanism for individualized review.

57. Because no administrative forum remains available to test the legality or constitutionality of Petitioner's confinement, habeas corpus is the only remaining mechanism through which Petitioner may obtain judicial review and relief from unlawful detention.

CLASS ALLEGATIONS AND REQUEST FOR CLASSWIDE RELIEF

58. Petitioner brings this action on behalf of himself and others similarly situated, and seeks declaratory and injunctive relief to remedy a uniform detention practice implemented by Respondents.

59. Respondents have adopted and are enforcing a categorical policy and practice of re-detaining noncitizens in the interior of the United States who were previously encountered by DHS, screened for credible fear, released on parole or recognizance, and placed into removal proceedings, and thereafter classifying such individuals as subject to mandatory detention as applicants for admission.

60. As applied, this policy results in the categorical denial of Immigration Court custody jurisdiction, including bond hearings, based on agency precedent asserting that such individuals are ineligible for any custody redetermination.

61. Petitioner's claims are typical of those of the proposed class because Petitioner was previously encountered, released by DHS, permitted to reside in the interior pending adjudication of an asylum application, and later re-detained and denied any custody hearing based on the same detention classification and jurisdictional rationale applied uniformly by Respondents.

62. The proposed class is numerous, as Respondents' detention practice applies broadly to noncitizens nationwide who were previously paroled or released following credible fear determinations and who have since been re-detained in the interior and denied bond hearings on jurisdictional grounds.

63. The claims presented raise common questions of law and fact, including, but not limited to:

- whether Respondents may lawfully reclassify interior re-detention following parole as mandatory detention applicable to applicants for admission;

- whether Immigration Judges may be categorically deprived of custody jurisdiction in such circumstances; and
- whether prolonged detention without any individualized custody hearing violates the Fifth Amendment.

64. Declaratory and injunctive relief with respect to Respondents' detention practices would provide uniform relief to all members of the proposed class and is therefore appropriate for classwide treatment.

65. At this stage, Petitioner seeks individual habeas relief, while expressly preserving the right to seek class certification under Federal Rule of Civil Procedure 23(b)(2) following notice to other interested parties and further development of the record.

66. Petitioner respectfully requests that the Court retain jurisdiction to consider a subsequent motion for class certification and classwide injunctive relief, should additional similarly situated detainees be identified or should Respondents continue to enforce the challenged detention practices.

RELIEF REQUESTED

WHEREFORE, Petitioner Erkyn Alcantara Araujo respectfully requests that this Court grant the writ of habeas corpus and enter judgment in his favor, and specifically requests that the Court:

A. Assume jurisdiction over this action pursuant to 28 U.S.C. § 2241 and declare that Petitioner's continued detention is subject to judicial review;

B. Declare unlawful Respondents' detention of Petitioner under a mandatory detention framework applicable to applicants for admission, where Petitioner was previously encountered, screened, released, and later re-detained in the interior of the United States;

C. Order Respondents to cease treating Petitioner as subject to mandatory detention and to recognize that Petitioner is entitled to an individualized custody determination by a neutral adjudicator with authority to order release;

D. Order Respondents to provide Petitioner with a prompt and constitutionally adequate custody redetermination hearing before an Immigration Judge with jurisdiction, within seven (7) days of this Court's order;

E. In the alternative, order Petitioner's immediate release from custody on appropriate conditions of supervision should Respondents fail to provide such a hearing within the time ordered by the Court;

F. Enjoin Respondents, their officers, agents, employees, and all persons acting in concert with them, from continuing to detain Petitioner pursuant to the challenged detention classification or from re-detaining Petitioner under the same unlawful framework absent a lawful custody determination;

G. Retain jurisdiction over this matter to ensure compliance with the Court's orders and to consider further relief as necessary, including prospective relief applicable to similarly situated individuals;

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

Respectfully submitted,

By: /s/ Robert C. Barchiesi

Robert C. Barchiesi, II, Esq. ¹
PA Bar ID No. 328056
Barchiesi Law PLLC
1650 Market St., Ste 3600
Philadelphia, PA 19103
robert@barchiesilaw.com
(610) 674-9846
Counsel for Petitioner

¹ Admitted to the United States District Court for the Middle District of Pennsylvania