UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Jose Luis MARTINEZ SEGOVIA

Petitioner,

v.

Pamela BONDI, in her official capacity as Attorney General of the United States;

Kristi NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security;

Todd LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement;

David EASTERWOOD, in his official capacity as Acting Director, St. Paul Field Office, Immigration and Customs Enforcement;

Respondents.

Case No. 26-cv-474

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

A # [redacted]

I. INTRODUCTION

1. Petitioner, Jose Luis Martinez Segovia, is a non-citizen asylum seeker with an approved petition for Special Immigrant Juvenile Status from Ecuador. Petitioner currently has an I-589, Application for Asylum and for Withholding of Removal pending since Mary 13, 2025. Petitioner entered the United States without inspection on or about May 17, 2024, seeking asylum and protection, and was detained within the interior of the United States by Respondents, who then released him on his own recognizance. Respondents erroneously claim that Petitioner is detained under 8 U.S.C. § 1225(b)(2)(A). This Court should declare, as it has already done in many other similar cases, that Petitioner is subject to 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond.

2. Also, in light of Petitioner's release on his own recognizance after his arrest, due process requires that Respondents show materially changed circumstances before re-detaining Petitioner. Upon his 2024 entry to the United States, Petitioner was detained and later released from custody on his own recognizance and enrolled in the Alternatives to Detention program designated by the U.S. Department of Homeland Security ("DHS"). When the government released Petitioner, it was determined that he was neither a flight risk nor a danger to the community. Petitioner was instructed to appear at regular appointments with DHS and adhered to the meeting schedule. In fact, he appeared for an appointment with DHS on January 20, 2026 and was subsequently detained without any intervening factors. Nothing has changed since the determination to release Petitioner to undermine

that determination. On the contrary, Petitioner has built ties to stay in the United States, attended his immigration court hearings and ICE appointments, and now has a path to lawful permanent residence through his approved petition for Special Immigrant Juvenile Status.

3. Following Petitioner's release from DHS custody, he was issued a Notice to Appear and placed in full removal proceedings on June 20, 2024, pursuant to 8 U.S.C. § 1229a.

4. On April 2, 2025, a district court judge in Hennepin County, Minnesota, determined that Petitioner qualifies as an at-risk juvenile under Minn. Stat. § 257D.01, subd. 4 based on abuse, abandonment, and neglect by his parents and it is not in his best interests to return to his home country of Ecuador.

5. Petitioner then applied for Special Immigrant Juvenile Status and his petition was approved on September 23, 2025. Petitioner will be eligible to apply for adjustment of status to permanent resident when his petition's priority date becomes current according to the U.S. Department of State Visa Bulletin.

6. Petitioner filed a Form I-589, Application for Asylum and for Withholding of Removal with the Immigration Court on May 13, 2025, within one year of his entry to the United States, as required by federal regulation. *See* 8 C.F.R. § 208.4(a)(2) (requiring an asylum application be filed within one year of the applicant's arrival to the United States). Petitioner also filed his petition for Special Immigrant Juvenile Status ("SIJS") which is now approved. Petitioner has no criminal history. In short, Petitioner has done everything that the government has

required of him to lawfully remain in this country pending a decision on his application for asylum or the ability to apply for permanent residence based on his SIJS petition.

7. Despite detaining Petitioner within the inerior of the United States after his May 2024 entry without permission and later releasing him from custody on his own recognizance, Respondents have adopted the position that an individual in Petitioner's circumstances is detained under the mandatory-detention provisions of 8 U.S.C § 1225 as an "applicant for admission." *See Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 963 (D. Minn. Aug. 27, 2025) (discussing ICE guidance issued on July 8, 2025 "revisit[ing] its legal position on detention and release authorities" and determining that 8 U.S.C. § 1225, rather than 8 U.S.C. § 1226, "is the applicable immigration detention authority for all applicants for admission"); *see also Matter of Yajure Hurtado*, 29 I&N Dec. 216, 219-20 (BIA 2025) (reiterating Respondents' broad reinterpretation of the INA's provisions related to custody status).

8. Because Petitioner has been present in the United States since May 17, 2024, released on his own recognizance in accordance with DHS policy, then placed into removal proceedings under 8 U.S.C. § 1229a, and there were no intervening circumstances surrounding his detention on January 20, 2026, Respondents cannot lawfully detain him under the mandatory detention provisions of 8 U.S.C. § 1225, as an "applicant for admission."

9. Petitioner's detention on this basis violates the plain language of the INA. 8 U.S.C. § 1225(b)(2)(A) does not apply to individuals like Petitioner who

previously entered and are now residing within the interior of the United States. Instead, such individuals are subject to 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond. As addressed above, Petitioner was released into the country shortly after his entry in May 2024.

10. Respondents' new legal interpretation of § 1226(a) is plainly contrary to the statutory framework of the INA and also contrary to decades of agency practice of instead applying § 1226(a) to individuals like Petitioner.

11. Accordingly, Petitioner seeks a writ of habeas corpus requiring Respondents to immediately release him from his present unlawful detention or a writ of habeas corpus requiring the Immigration Court to hold a custody redetermination hearing, pursuant to 8 U.S.C. § 1226, within seven days. In the alternative, Petitioner respectfully requests that this Court order Respondents to show cause why this Petition should not be granted within three days. *See* 28 U.S.C. § 2243.

12. Petitioner also seeks respectfully asks that this Court enjoin Respondents from transferring him outside of this District for the duration of this proceeding.

II. CUSTODY

13. According to Counsel's knowledge, Petitioner is currently detained at Fort Snelling, Minnesota. His Alien Registration Number is 241-403-891.

III. JURISDICTION & VENUE

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2241 (habeas corpus); and Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause). Federal question jurisdiction

arises under the Immigration and Nationality Act (8 U.S.C. §§ 1101-1524) and the United States Constitution.

15. This Court may grant relief to Petitioner pursuant to 28 U.S.C. § 2241 *et seq.* (habeas corpus); 28 U.S.C. § 2201 *et seq.* (Declaratory Judgment Act); 28 U.S.C. § 1651 (All Writs Act); and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

16. Venue is proper in this district under 28 U.S.C. §§ 2241, 1391(b), and 1391(e). Venue is proper because Petitioner is in Respondents' custody in the District of Minnesota. Venue is also proper in this district because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this district, where Petitioner is now in Respondent's custody. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

IV. PARTIES

17. Petitioner, Jose Luis Martinez Segovia, is a 20-year-old man of Ecuadorian citizenship who has been present in the United States since May 2024. Petitioner was detained and later released from custody, allowing him to pursue relief from removal. Respondents detained Petitioner again on January 20, 2025. Petitioner is detained at Fort Snelling, Minnesota.

18. Respondent Pamela Bondi is sued in her official capacity as the U.S. Attorney General. As Attorney General, she has authority over the Department of

Justice and is charged with faithfully administering the immigration laws of the United States.

19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is sued in her official capacity. As head of the DHS, Respondent Noem is responsible for overseeing the enforcement of federal immigration policies, including those that resulted in the detention of Petitioner. Secretary Noem is therefore a legal custodian of Petitioner.

20. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). He is sued in his official capacity. As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is a legal custodian of Petitioner.

21. Respondent David Easterwood is the Director of the St. Paul Field Office of ICE's Enforcement and Removal Operations (ERO) division. He is sued in his official capacity. As head of the St. Paul ERO Field Office, Respondent Easterwood is responsible for Petitioner's detention and is a legal custodian of Petitioner.

V. REQUIREMENTS OF 28 U.S.C. § 2243

22. This Court must grant the petition for a writ of habeas corpus or order Respondents to show cause "forthwith," unless Petitioner is not entitled to relief. *See* 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.*

23. 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) (citation omitted). "The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time." *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978).

24. Due to the nature of this proceeding, Petitioner respectfully asks this Court to expedite proceedings as necessary and practicable for justice.

VI. EXHAUSTION OF REMEDIES

25. Further administrative exhaustion is unnecessary in this case as it would be futile. *See, e.g.*, *Eliseo A.A. v. Olson*, No. 25-3381, 2025 WL 2886729, at *7 (D. Minn. Oct. 8, 2025) ("[E]xhaustion serves no purpose where the administrative body lacks jurisdiction or capacity to resolve the claim.").

26. It would be futile for Petitioner to seek a custody redetermination hearing before an Immigration Judge because of the decision issued by the Board of Immigration Appeals (BIA) in *Yajure Hurtado*, which holds that anyone who entered the United States without inspection is now considered an "application for admission" who is "seeking admission" and therefore subject to the INA's mandatory-detention provision under 8 U.S.C. § 1225(b)(2)(A). 29 I&N Dec. 216; *see also Eliseo A.A. v. Olson*, 2025 WL 2886729, at *7 (D. Minn. Oct. 8, 2025) ("[F]urther administrative review would be futile in light of the BIA's recent decision in *Matter of Yajure Hurtado*, . . . which upheld DHS's new § 1225 policy

and 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.' Where the agency has already adopted a definitive position, exhaustion serves no purpose." (citation omitted)).

27. Further, despite the recent certification of a bond-eligible class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025), which provides declaratory relief by providing that Immigration Judges have jurisdiction over bond hearings in cases similar to Petitioner's, despite *Yajure Hurtado*, Petitioner is aware on information and belief that Immigration Judges across the country continue to follow the reasoning of *Yajure Hurtado* in continuing to deny others similarly situated to him the opportunity for a bond hearing due to their manner of entry.

28. Additionally, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner's constitutional claims. *See Matter of Cruz de Ortiz*, 25 I&N Dec. 601, 605 (BIA 2011) (observing that neither the BIA nor Immigration Judges have authority to rule on the constitutionality of the statutes they administer); *Matter of C-*, 20 I&N Dec. 529, 532 (BIA 1992) ("[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the [Immigration and Nationality] Act and the regulations.").

VII. FACTUAL BACKGROUND

29. Petitioner, Jose Luis Martinez Segovia, is a 20-year-old man of Ecuadorian citizenship.

30. Petitioner has resided in the United States since May 17, 2024.

31. When Petitioner arrived to the United States in May 2024, he was arrested within the interior of the United States and detained by Respondents who soon thereafter released Petitioner from custody on his own recognizance. Petitioner was later issued a Notice to Appear, placing him in full removal proceedings under 8 U.S.C. § 1229a.

32. Upon Petitioner's release, he was enrolled in the Alternatives to Detention program which required him to appear at periodic appointments with DHS. Petitioner attended his appointments as scheduled.

33. Petitioner filed a Form I-360, petition for Special Immigrant Juvenile Status (SIJS) which was approved on September 23, 2025. Prior to this approval, a Minnesota District Court judge from Hennepin County determined that Petitioner is considered an at-risk juvenile according to Minn. Stat. § 257D.01, subd. 4, that he was abused and neglected by his mother and abandoned and abused by his father, and that it is not in his best interest to return to his home of Ecuador. Furthermore, this order established his brother as his legal guardian under Minn. Stat. § 257D and remains in effect until his 21st birthday on September 30, 2026. *See* Minn. Stat. § 257D.10.

34. Petitioner timely filed a Form I-589, Application for Asylum and for Withholding of Removal with the Immigration Court on May 13, 2025, and has not yet been scheduled for a final hearing on his application. Petitioner has applied for a valid work permit based on his pending asylum application. Petitioner has never

missed a court hearing or otherwise violated the conditions of his release from custody. Petitioner has resided in the United States for just under two years.

35. Petitioner will be eligible to file an application for adjustment of status to permanent residence once his priority date of April 22, 2025 becomes current pursuant to the US Department of State Visa Bulletin.

36. Petitioner has never been arrested for or charged with a criminal offense and has no pending charges or criminal convictions. The administrative record contains no evidence that Petitioner is either a danger or flight risk.

37. Petitioner was detained on January 20, 2026 while he attended his scheduled appointment with DHS. To the best of Counsel's knowledge, he is currently detained at Fort Snelling, Minnesota.

38. Respondents now contend, capriciously and in further violation of the Petitioner's constitutional and statutory rights, that he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and thus ineligible for bond, or even a bond hearing.

VIII. LEGAL BACKGROUND

39. A writ of habeas corpus permits federal courts to order a petitioner released from custody where the petitioner's detention is in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3); *Mayamu K. v. Bondi*, No. 25-3035, 2025 WL 3641819, at *2 (D. Minn. Oct. 20, 2025).

40. As relevant here, the Immigration and Nationality Act, 8 U.S.C. §§ 1101-1524, describes two means of handling the custody and potential removal of a noncitizen under 8 U.S.C. § 1226(a) and 8 U.S.C. § 1225(b)(2).

41. First, 8 U.S.C. § 1226(a) authorizes—but does not mandate—the detention of noncitizens who have been placed in standard removal proceedings. *See* 8 U.S.C. §§ 1226(a) (describing discretionary detention pending a removal decision); 1229a (describing removal proceedings). Individuals in § 1226(a) detention are generally entitled to a custody-redetermination hearing (commonly known as a "bond hearing") at the outset of their detention. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). The text of § 1226 explicitly applies to noncitizens charged as inadmissible, which includes those who entered without inspection and were "released on parole, *supervised release*, or probation." See 8 U.S.C. § 1226(c)(1)(D) (emphasis added). While an exception to the general rule, subparagraph (D)'s reference to such individuals makes clear that, in the context of the entire statutory scheme, such people are afforded a bond hearing under subsection (a) so long as they do not fall within the class of "criminal aliens" set forth in subsection (c). "[W]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1256-57 (W.D. Wash. Apr. 24, 2025) (citing *Shady Grove Orthopedic Assocs. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010) (adopting this logic in analyzing the existence of exceptions to Federal Rule of Civil Procedure Rule 23 as evidence of the rule's general applicability)).

42. In addition, the Refugee Act, which is codified in various sections of the INA, broadly affords a noncitizen "who is physically present in the United States or who arrives in the United States," like Petitioner, a right to apply for asylum. 8 U.S.C. § 1158(a)(1); Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980). The INA guarantees to noncitizens in standard removal proceedings who apply for asylum and other relief procedural rights that reduce the risk of an erroneous decision. *E.g.*, 8 U.S.C. §§ 1229a(b)(4)(A), 1362 (right to legal counsel); 8 U.S.C. § 1148(b)(1)(B) (right to present supporting evidence and to challenge through cross-examination adverse evidence during a full adversarial hearing before an immigration judge); 8 U.S.C. § 1229a(c)(6)-(7) (right to seek reconsideration or reopening of an adverse decision); 8 U.S.C. § 1229a(c)(5) (right to appeal an adverse decision of an immigration judge to the Board of Immigration Appeals); 8 U.S.C. § 1252(b) (right to appeal an adverse decision of the Board to a federal circuit court of appeals). These rights are guaranteed to noncitizens seeking asylum under the Due Process Clause of the Fifth Amendment to the United States Constitution. *See Reno v. Flores*, 507 U.S. 292, 306 (1993).

43. The second relevant means of detention is governed by 8 U.S.C. § 1225, which provides for mandatory detention of noncitizens subject to expedited removal under § 1225(b)(1) and for other recent arrivals seeking admission under 8 U.S.C. § 1225(b)(2). Respondents treat noncitizens subject to mandatory detention under § 1225 as ineligible for bond.

44. The mandatory detention scheme under 8 U.S.C. § 1225(b)(2) applies only to noncitizens at U.S. ports of entry who have only 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. *See* 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). These individuals "shall be detained" pending removal proceedings, unless "paroled" for "'urgent humanitarian reasons or significant public benefit' under 8 U.S.C. § 1182(d)(5)(A)." Id.; *Jennings*, 583 U.S. at 300. This group does *not* include those "who are 'already in the country' on a discretionary basis." Rueda Torres v. Francis, No. 25-8408 (DEH), 2025 WL 3168759, at *3 (S.D.N.Y. 11/13/2025) (citing and quoting Jennings, 583 U.S. at 288-89).

45. As to 8 U.S.C. § 1225(b)(1), this subsection provides for mandatory detention of noncitizens subject to expedited removal. Because expedited removal provides very few procedural protections, it applies narrowly to only those noncitizens who are inadmissible to the United States because they engaged in fraud or misrepresentation to procure admission or other immigration benefits, *see* 8 U.S.C. § 1182(a)(6)(C), or those who are applicants for admission without required documentation, *see* 8 U.S.C. § 1182(a)(7). The government may not subject any other person to expedited removal. 8 C.F.R. § 235.3(b)(1), (b)(3).

46. For noncitizens in expedited removal, the INA does not grant the full rights that are enshrined for standard removal proceedings. To begin, an immigration officer may order them removed "without further hearing or review," 8 U.S.C. § 1225(b)(1)(A)(i), unless the noncitizen has expressed an intent to apply for asylum or a fear of persecution. Even then, noncitizens' rights are truncated. Although the immigration officer "shall refer the [noncitizen] for an interview by an asylum officer," 8 U.S.C § 1225(b)(1)(A)(i)-(ii), a "credible fear" interview differs from an asylum application. First, the INA does not, as it does during standard removal proceedings, guarantee the noncitizen the right to counsel, to present documents or witness testimony, or to cross-examine adverse evidence. See *id.* § 1225(b)(1)(B)(iv). Second, if the asylum officer determines that the noncitizen does not have a credible fear of persecution, the noncitizen may seek review before an immigration judge, but such review is limited to the record of the interview. 8 U.S.C. § 1225(b)(1)(B)(iii)(III). Finally, if the immigration judge agrees with the asylum officer, the noncitizen is removed without access to further review by the Board of Immigration Appeals or a federal court. Only if a noncitizen passes a credible fear interview may they then apply for asylum or other relief in full removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(B); 8 C.F.R. § 208.30(f).

47. An expedited removal order comes with significant consequences beyond removal itself. Noncitizens who are issued expedited removal orders are subject to a five-year bar to admission to the United States unless they qualify for a discretionary waiver. 8 U.S.C.§ 1182(a)(9)(A)(i); 8 C.F.R. § 212.2. Similarly,

noncitizens issued expedited removal orders after having been found inadmissible based on misrepresentation are subject to a lifetime bar on admission to the United States unless they are granted a discretionary exception or waiver. 8 U.S.C. § 1182(a)(6)(C).

48. These statutory authorities for determining custodial status and bond eligibility of a noncitizen within the United States have governed removal proceedings for nearly three decades. The release provisions for noncitizens placed in standard removal proceedings under § 1226 and the mandatory detention provisions for noncitizens arriving to the United States under § 1225(b)(1) and (b)(2) were enacted in 1996 in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585.

49. In the decades following IIRIRA's enactment, noncitizens who entered the country, were arrested and released by the DHS with parole, and who were placed in standard removal proceedings, have received bond hearings unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior agency 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)); *Martinez v. Hyde*, 792 F. Supp. 3d 211, 222 (D. Mass. July 24, 2025) ("[T]he idea that a different detention scheme would apply to non-citizens 'already

in the country,' as compared to those 'seeking admission into the country,' . . . is consonant with the core logic of our immigration system.") (citing *Jennings*, 583 U.S. at 289).

50. On July 8, 2025, without congressional authorization, ICE announced a new policy entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission." The policy asserts that all undocumented noncitizens deemed "applicants for admission" are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The policy purports to apply even to those like Petitioner whom, at the time of the policy shift, the government had already arrested and released from custody, placed in standard removal proceedings, and allowed to apply for asylum. This change in policy violates the government's own regulations, including regulations that prohibit the government from seeking dismissal of full removal proceedings unless it can be shown that the "[c]ircumstances of the case have changed." *See* 8 C.F.R. § 239.2(a)(7). But the government's new policy purports to allow it to seek dismissal based on changed circumstances independent of the facts of a particular noncitizen's case.

51. Adopting the policy set forth by ICE on July 8, on September 5, 2025, the BIA issued a precedential decision holding that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are therefore ineligible for a bond hearing before an immigration judge. *See* *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). This decision departs

from the plain language of the INA, federal precedent, and long-standing regulations. *See id.*

52. Respondents' new legal interpretation of the custody provisions of the INA is plainly contrary to the statutory framework of the INA and its implementing regulations. For decades, Respondents applied § 1226(a) to individuals similarly situated to Petitioner. Respondents' new policies regarding custody determinations are therefore not only contrary to law, but also arbitrary and capricious in violation of the Administrative Procedure Act ("APA"). This new interpretation of the statutes was also adopted without following the procedural requirements of the APA. *See* 5 U.S.C. § 553. Under *Loper Bright v. Raimondo*, "the role of the reviewing court under the APA is . . . to independently interpret the statute and effectuate the will of Congress subject to constitutional limits." 603 U.S. 369, 395 (2024). Applying *Loper Bright*, this Court should independently interpret the pertinent statutes and give no weight to the BIA's expansive and unprecedented reinterpretation of § 1225(b)(2), as that interpretation conflicts with the plain text of the statute, is contrary to the regulations, and contravenes precedent on the issue of jurisdiction for bond proceedings.

53. ICE and EOIR have continued to adopt this policy despite numerous federal courts rejecting the reasoning of the July 8 memo and *Yajure Hurtado*. For example, after immigration judges in the Tacoma, Washington Immigration Court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided in the United States, the U.S. District Court

for 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 such noncitizens. *Rodriguez Vazquez*, 779 F. Supp. 3d 1239; *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). Federal courts, including this district, have resoundingly rejected Respondents' erroneous interpretation of the INA's framework around discretionary and mandatory detention since ICE implemented its July 8, 2025 memo. *See, e.g.*, *Khalid B.Q. v. Noem*, No. 25-4584 (D. Minn. Dec. 18, 2025); *Aguilar Maldonado v. Olson*, 795 F. Supp. 3d 1134 (D. Minn. 2025); *Mayamu K.*, No. 25-3035, 2025 WL 3641819; *Jose J.O.E.*, 797 F. Supp. 3d 957; *Eliseo A.A.*, 2025 WL 2886729; *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, 799 F. Supp. 3d 14 (D. Mass. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771 (E.D. Mich. Aug. 29, 2025); *Martinez*, 792 F. Supp. 3d 211; *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25CV03162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428, 2025 WL 2430025 (D. Md. Aug. 24, 2025).

54. As in those cases, Petitioner's detention under § 1225(b)(2) is likewise unlawful. As numerous federal courts have now found, § 1225(b)(2) applies to noncitizens *seeking admission* into the United States. It does not apply to

noncitizens, like Petitioner, who were paroled into the country, placed in standard removal proceedings, and allowed to apply for asylum.

55. Furthermore, Petitioner's approved SIJS petition grants him a pathway to permanent status because he was determined to be a vulnerable young person according to the law. Separate and apart from unaccompanied children, in 1990, Congress created SIJS to protect another category of vulnerable immigrant children and provide them a pathway to citizenship. Immigration Act of 1990, Pub. L. No. 101-649, § 153, 104 Stat. 4978 (1990) (amending various sections of the INA). SIJS "alleviates hardships experienced by some dependents of United States juvenile courts by providing qualified [noncitizens] with the opportunity to apply for special immigrant classification and lawful permanent resident status, with [the] possibility of becoming citizens of the United States in the future." Special Immigrant Status, 58 Fed. Reg. 42843, 43844 (Aug. 12, 1993). Since 1990, Congress has amended the INA multiple times to expand the protections of SIJS, most recently in 2008, through the TVPRA, Pub. L. 110-457, § 235(d), 122 Stat. 5044 (2008).

56. To be granted SIJS, youths must first "satisf[y] a set of rigorous, congressionally defined eligibility criteria." *Osorio-Martinez v. U.S. Att'y Gen.*, 893 F.3d 153, 163 (3d Cir. 2018). Specifically, to be eligible for SIJS, a noncitizen youth must be present in the United States and obtain judicial determinations in a state juvenile court order that they are dependent on the juvenile court or placed by the court under the custody of a state agency or an individual; cannot be reunified

with one or both parents because of abuse, neglect, abandonment, or other similar basis; and that it is not in their best interest to return to their country of origin. 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11(c).

57. The application process for SIJS includes submitting a Form I-360 SIJS Petition to USCIS, along with the state juvenile court order and other evidence. *See* 8 C.F.R. § 204.11(b). USCIS then considers whether to exercise its statutory "consent function" to approve the petition. *See* 8 U.S.C. § 1101(a)(27)(J)(iii). By doing so, the agency recognizes the state juvenile court's determinations, including that the child's return to their country of origin would be contrary to their best interests. 8 U.S.C. § 1101(a)(27)(J)(iii).

58. The main benefit of SIJS—and indeed, its core purpose—is that it confers on vulnerable young people the right to seek lawful permanent resident ("LPR") status, while remaining in the United States, through a process called adjustment of status. *See* 8 U.S.C. § 1255(h). To facilitate this process, Congress has removed numerous barriers to adjustment of status for SIJS beneficiaries. Typically, a noncitizen seeking to adjust to LPR status in the United States must show they are admissible under immigration law or have entered the country with inspection or parole by an immigration officer. But Congress exempted SIJS youth from many inadmissibility grounds, made them eligible for adjustment regardless of their actual manner of entry into the United States, and created a generous waiver of other non-exempted inadmissibility grounds. 8 U.S.C. § 1255(h). Congress also explicitly provided that certain grounds for removal "shall not apply" to SIJS

beneficiaries. 8 U.S.C. § 1227(c). Accordingly, the SIJS statute "show[s] a congressional intent to assist a limited group of abused children to remain safely in the country with a means to apply for LPR status." *Garcia v. Holder*, 659 F.3d 1261, 1271 (9th Cir. 2011) (abrogated on other grounds).

59. Although SIJS renders youth eligible to apply for adjustment to LPR status, they can only do so when a visa is immediately available to them. 8 U.S.C. § 1255(h). However, there is an annual limit on visas available to SIJS beneficiaries. 8 U.S.C. § 1153(b)(4). And since 2016, the number of SIJS beneficiaries has surpassed the supply of available visas for most countries, leaving what has been estimated to be more than 100,000 young people in a SIJS backlog, waiting to apply for a green card.

60. Nonetheless, the government takes the position that SIJS youth in the visa backlog remain subject to removal for their purported lack of lawful immigration status in the United States while they wait for the ability to apply for LPR status.

61. In short, Respondents' detention of Petitioner under 8 U.S.C. § 1225(b)(2) is patently unlawful, as it violates due process, the Administrative Procedure Act, and the Immigration and Nationality Act.

IX. CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act: Unlawful Agency Action Pursuant to 5 U.S.C. § 706(2)(A)

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

63. Under the APA, a court shall "hold unlawful and set aside agency action" that is arbitrary and capricious, an abuse of discretion, or not in accordance with law. 5 U.S.C. § 706(2)(A).

64. Agency action is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

65. To show that an agency action was not arbitrary and capricious, an abuse of discretion, or otherwise unlawful under 5 U.S.C. § 706(2)(A), the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Comm. v. New York*, 588 U.S. 752, 773 (2019) (quotation omitted). A pretextual rationale does not satisfy this standard. *Id.* at 773-74.

66. DHS previously considered the facts and circumstances of Petitioner's case when he entered the country. DHS then determined that Petitioner was neither a flight risk nor a danger to the community when he was granted parole. Since that time, Petitioner has not engaged in any conduct, nor have Respondents alleged any

such conduct, that could possibly be construed as a violation of his release. Furthermore, Respondents detained Petitioner on December 2, 2025, while his parole was still valid without any notice of revoking his parole.

67. By detaining Petitioner without articulating a rationale based on his individualized circumstances, and by detaining him in contradiction of his individualized circumstances as Respondents previously assessed them, Respondents have abused their discretion under the APA.

COUNT II

Violation of the Immigration and Nationality Act: Unlawful Detention Under 8 U.S.C. § 1225(b)(2)

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

69. To the extent that Respondents purport to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2), his detention is unlawful. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing within the interior of the United States who are subject to grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country at the time of their detention were not seeking admission. Such noncitizens are instead discretionarily detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231, none of which apply in this case.

70. Respondents' erroneous application of § 1225(b)(2) to Petitioner has resulted in his unlawful ongoing detention, in violation of the INA.

COUNT III

Violation of Fifth Amendment Right to Due Process: Arbitrary Detention

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

72. The Due Process Clause of the Fifth Amendment to the U.S. Constitution applies to all persons within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Thus, whether a noncitizen's presence in the country is "lawful, unlawful, temporary, or permanent," the Due Process Clause applies. *Id.*

73. Petitioner has a fundamental liberty interest in his freedom from the restraints placed on him while he remains in Respondents' custody. *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) ("[T]he most elemental of liberty interests . . . [is] the interest in being free from physical detention by [the] government.") (citations omitted).

74. The government's detention of Petitioner, including categorizing his detention in a manner that denies him the opportunity for a bond redetermination hearing to determine whether he is a flight risk or danger to others, violates his right to due process under the U.S. Constitution.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Set this matter for expedited consideration pursuant to 28 U.S.C. § 1657;

3. Order Respondents to Show Cause why a Writ of Habeas Corpus should not be granted within three days, allowing Petitioner three days to file a traverse, and, if necessary, setting a hearing on this Petition within five days of submission of the return pursuant to 28 U. S. C. § 2243
4. Issue Petitioner a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody, or, in the alternative, issue a writ of habeas corpus ordering that the Immigration Court to hold a bond hearing pursuant to 8 U.S.C. § 1226 within seven days;
5. Prohibit Respondents from transferring Petitioner from the district without the court's approval;
6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
7. Grant any further relief that this court deems to be just and proper.

Respectfully submitted,

Dated: January 20, 2026

*_/s/ Graham Ojala-Barbour_*
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VERIFICATION

I represent the Petitioner, Jose Luis Martinez Segovia, and submit this verification on his behalf. Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Graham Ojala-Barbour
Graham Ojala-Barbour
Attorney for Petitioner

Dated: January 20, 2026