

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT
FORT MYERS DIVISION**

JARINTHON ANTONIO MORALES
GUDIEL A# 

Case No: 2:26-cv-113

Petitioner

v.

GARRET RIPA in his Official capacity as
Field office Director Field Office Director of
the Immigration and Customs Enforcement
and Removal Operations, Miami Field Office;
KRISTI NOEM, Secretary, U.S.
Department Homeland Security;
PAMELA BONDI, U.S. Attorney
General.

Respondent(s),

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

INTRODUCTION

1. The Petitioner is a 30-year-old, national and citizen of Nicaragua, who was born in Nicaragua on .
2. The Petitioner entered the United States on November 17, 2022, and was detained and paroled by the Department of Homeland Security (DHS) on November 17th, 2022, pursuant to Section 212(d)(5)(A) of the INA.
3. DHS initiated removal proceedings on May 27, 2023.
4. The Respondent timely applied for Asylum and Withholding of Removal, Form I-

589 pursuant to the U.N. Convention Against Torture, before USCIS on June 23, 2023. The Respondent was persecuted in his country because of his political opinion and his membership in a Particular Social Group. The Respondent's Application for Asylum presents strong merits and has a high probability of being approved.

5. On June 30, 2025, an Immigration Judge (IJ) closed the case due to a failure to prosecute.

6. The Respondent was detained by ICE on December 17, 2025, while he was attending an ICE check-in appointment.

7. The Respondent has an impeccable record. He has no criminal record in the United States or any other country outside of the United States.

8. The Petitioner requested custody redetermination on December 31, 2025. Hearing for bond release was held on January 13, 2026.

9. The Immigration Judge (IJ) denied that the Immigration Court had jurisdiction pursuant to *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

10. Petitioners are currently detained at the Glades County Detention Center by immigration authorities. He now faces unlawful detention because the Department of Homeland Security (DHS), in direct collaboration with the adjudicative body with jurisdiction over immigrants (the Executive Office of Immigration Review) (EOIR) have concluded that the Immigration Judge has no jurisdiction to conduct bond hearing pursuant to *Matter of Yajure Hurtado*.

11. Petitioner was charged with, inter alia, having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). However, no new Notice to Appear (NTA) has been issued by DHS. Therefore, the Petitioner is not in removal proceedings at the time of this Petition.

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

13. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

14. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

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

16. More importantly, the Government itself has made an abrupt about-face this issue. Respondents should be judicially estopped from asserting their current interpretation of 8

U.S.C. § 1225(b)(2)(A), because they previously prevailed in litigation after asserting the opposite interpretation. As explained in *New Hampshire v. Maine*, 532 U.S. 742 (2001), judicial estoppel applies when a party assumes a position in a legal proceeding, succeeds in maintaining that position, and then adopts a contrary position in a subsequent proceeding to gain an unfair advantage. Here, Respondents previously, and successfully, argued that individuals who entered the United States without inspection were subject to detention under § 1226(a), and not § 1225(b)(2)(A), and courts accepted that position. Respondents now reverse course and assert that such individuals are subject to mandatory detention under § 1225(b)(2)(A), thereby denying them bond hearings. This shift in legal position undermines the integrity of the judicial process and imposes an unfair detriment on Petitioners who relied on the prior interpretation. Accordingly, Respondents should be stopped from asserting this inconsistent position.

17. Dozens of District courts around the nation including this Court in multiple decisions have rejected this flawed interpretation, reaffirmed that noncitizens in circumstances akin to the Petitioner here, are being detained under Section 1226(a), and accordingly ordered immediate release or bond hearings before a IJ as remedy. This Court should reach the same result here.

18. Accordingly, Petitioner seeks a Writ of Habeas corpus requiring that he be released since ICE cannot lawfully detain Petitioner under INA § 236 (8 U.S.C. § 1226) because DHS is not actively prosecuting any removal proceedings against the Petitioner. In the alternative, Respondents must provide a bond hearing under § 1226(a) within seven days.

JURISDICTION AND VENUE

19. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (Federal Habeas Corpus Statute), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, clause 2 of the United States Constitution (the Suspension Clause). Federal district courts have jurisdiction to

hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

20. Petitioner is in the physical custody of Respondent(s). Petitioner is detained at the Glades County Detention Center in Moore Haven, Florida.

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

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

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

PARTIES

25. The Petitioner, Jarinthon Antonio Morales Gudiel is an asylum applicant, who has been in immigration detention since December 17, 2025, despite the fact that there are no removal proceedings against him. Petitioner was denied bond custody redetermination because the Respondents argued he is not eligible under *Matter of Yajure Hurtado*.

26. Respondent, Garet Ripa is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), Miami Field Office, and is sued in his official capacity. ICE is responsible for the detention of Petitioners. He is charged with overseeing Glades County Detention Center, operated by the Glades County Sheriff's Office which contracts with ICE to detain noncitizens. Respondent Ripa has the authority to make custody determination regarding individuals detained there. Therefore, Respondent Ripa is the Immediate custodian of the Petitioner. He is sued in his official capacity.

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

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

LEGAL FRAMEWORK

29. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for noncitizens in removal proceedings.

30. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

31. Second, the INA provides for mandatory detention of noncitizens subject to expedite removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

32. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

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

34. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part *Matter of Yajure Hurtado* of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

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

36. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their

criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

37. In *Jennings v. Rodriguez*, the Department of Homeland Security (DHS) explicitly acknowledged that individuals who have already entered the United States and are not apprehended within 100 miles of the border or within 14 days of entry are subject to discretionary detention under 8 U.S.C. § 1226(a), not mandatory detention under § 1225(b). During oral argument on November 30, 2016, then-Solicitor General Ian Gershengorn stated: “If they are not detained within 100 miles of the border or within 14 days... then they are under 1226(a) and not 1226(c)” and further clarified, in response to a question concerning “an alien who has come into the United States illegally without being admitted [and] who takes up residence 50 miles from the border,” the Government responded, “The answer is they are held under 1226(a) and that they get a bond hearing...” Transcript of Oral Argument at 7–8, *Jennings v. Rodriguez*, 583 U.S. ____ (2018) (No. 15-1204). DHS reiterated that such individuals “would be held under 1226(a)” and cited the administrative record to support that position. *Id.* These statements reflect DHS’s prior litigation stance that § 1226(a) governs detention for noncitizens who have entered and are residing in the United States, a position directly contrary to the agency’s current interpretation applying § 1225(b)(2)(A) to such individuals. Having prevailed in *Jennings* after taking this position, they should be estopped from taking the contrary position now simply because their political or litigation interests have changed. Estoppel in this case is necessary to preserve the predictability inherent in the rule of law and due process under the Fifth Amendment, as well as to protect the

integrity of the judicial system.

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

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

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

41. Since Respondents adopted their new policies, several federal courts have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

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

43. A growing number of federal courts have rejected ICE and EOIR’s

expanded interpretation of the Immigration and Nationality Act's detention provisions. These courts have consistently held that § 1226(a), not § 1225(b)(2), governs the detention authority applicable in these cases. For example, courts in Florida and other states, "Since DHS's change in policy, courts in this District and around the country have rejected the new interpretation of the INA," *Hinojosa Garcia v. Noem*, No 2:25-CV-00879-SPPC-NPM, 2025 WL 3041895, at *5 (MD Fla. Oct. 31, 2025); *see also*, *Erazo v. Hardin*, No. 2:25-CV-891-KCD-DNF, 2025 WL 3187136 (M.D. Fla. Nov. 14, 2025); *Vasquez Carcamo v. Noem*, No 2:25-CV-00922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025); *Hernandez Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *Merino v. Ripa*, No 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct 15, 2025); *Puga v. Assistant Field Off. Dir., Krome N. Ser. Processing Ctr.*, No. 25-24535-CV, 2025 WL 2938369 (S.D. Fla. Oct 15, 2025); *Aguirre Villa v. Normand*, No 5:25-CV-089, 2025 WL 3091833 (S.D. Ga. Nov. 5, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK (D. Mass. July 7, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB) (D. Ariz. Aug. 11, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH) (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE (D. Minn. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM (D. Mass. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF (N.D. Cal. Aug. 21, 2025); *Palma Perez v. Berg*, No. 8:25CV494 (D. Neb. Sept. 3, 2025).

44. These decisions reflect a clear judicial consensus that the government's reliance on §1225(b)(2) is misplaced in cases involving those whose immigration status lawfully falls under § 1226(a).

45. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain

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

46. DHS's own factual allegations contained in the Notice to Appear determined that Petitioner had entered the U.S. under the INA and thus falls under § 1226(a), not § 1225(b).

47. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, which "decid[ed] the inadmissibility or deportability of a[] [noncitizen]."

48. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); see also *Gomes*, 2025 WL 1869299, at *7.

49. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

50. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States and were not free to mingle with the general population after being free from official restraint. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme

applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

51. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner who are alleged to have entered the United States without admission or parole.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act

52. Petitioner repeats, realleges and incorporate by reference all the allegations set forth in the preceding paragraphs.

53. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

54. The application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

COUNT II

Violation of the Bond Regulations

55. Petitioner repeats, re-alleges and incorporates by reference the allegations set forth in preceding paragraphs.

56. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

57. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted or paroled. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

58. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to an individual like Petitioner. The application of § 1225(b)(2) bars Petitioners from receiving a bond redetermination hearing before an immigration judge.

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

COUNT III

Unlawful Detention in Violation of the INA and 28 U.S.C. § 2241

60. Petitioner repeats re-alleges and incorporates by reference all allegations set forth in preceding paragraphs.

61. Petitioner remains in ICE custody despite having no pending removal proceedings and no final order of removal.

62. Petitioner's removal proceedings were terminated on June 30, 2025, due to failure to prosecute.

63. Because there is no pending removal case and no final removal order, DHS lacks statutory authority to continue detaining Petitioner under either INA § 236 or INA § 241.

64. Petitioner is therefore "in custody in violation of the Constitution or laws of the United States" within the meaning of 28 U.S.C. § 2241(c)(3).

COUNT IV

Violation of the Fifth Amendment Due Process Clause – Arbitrary and Prolonged Civil Detention

65. Petitioner re-alleges and incorporates by reference all allegations set forth in the preceding paragraphs.

66. Even assuming that DHS once had authority to detain Petitioner, that authority no longer exists, because DHS allowed of his removal case to be terminated and has not pursued any active proceedings.

67. Petitioner's continued civil detention is not reasonably related to any legitimate governmental purpose such as ensuring attendance at future removal hearings or effectuating removal pursuant to a final order. No such hearings are pending, and no such order exists.

68. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty

that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

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

71. Petitioner is an asylum seeker who has no criminal history, and established ties in the United States. Detaining him under these circumstances is excessive, punitive in effect, and arbitrary.

72. Respondents’ conduct violates Petitioner’s rights under the Due Process Clause of the Fifth Amendment to the United States Constitution.

COUNT V

Violation of Due Process

73. Petitioner repeats and re-alleges, and incorporates by reference all allegations in the preceding paragraphs.

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

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

76. The government’s detention of Petitioner without open removal proceedings and/or

bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

COUNT VI

Judicial Stoppel

77. Petitioner repeats, re-alleges, and incorporates by reference all allegations in the preceding paragraphs

78. The Government is judicially estopped from asserting that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). In prior litigation, including *Jennings v. Rodriguez*, the Government successfully argued that individuals who entered without inspection and were not apprehended near the border or within 14 days were subject to discretionary detention under § 1226(a), not mandatory detention under § 1225(b)(2)(A). See *Jennings v. Rodriguez*, No. 15-1204, Tr. of Oral Arg. at 7–8 (Nov. 30, 2016). Courts accepted that position. Now, the Government reverses course and asserts the opposite interpretation to deny bond hearings. Under *New Hampshire v. Maine*, 532 U.S. 742 (2001), judicial estoppel applies where a party assumes a position, prevails, and then adopts a contrary position to gain an unfair advantage.

79. The Government's reversal undermines the integrity of the judicial process and prejudices Petitioners who relied on the prior interpretation.

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 Middle District of Florida 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 on this 21th day of January 2026.

Respectfully Submitted,

/s/ Nidia Borge

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CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system, which will send a notice of electronic filing (NEM) to all counsel of record. I will further serve a copy of the Petition and exhibits on each Respondent by certified mail.

Dated: January 21, 2026

By:

/s/ Nidia Borge
Counsel for Petitioner