

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JEAN CARLOS AGUILAR-HUANGA,
A# [REDACTED]
c/o Diamondback Correctional Center,
Route 2, [REDACTED]
Watonga, Oklahoma 73772;

Petitioner,
vs.

FRED FIGUEROA, Warden of the
Diamondback Correctional Center,
Route 2, Box 336,
Watonga, Oklahoma 73772;

ROBERT CERNA, Field Office
Director, Enforcement and Removal Operations,
U.S. Immigration and Customs Enforcement,
8101 N. Stemmons Freeway,
Dallas, Texas 75247;

TODD LYONS, Director of the
Immigration and Customs Enforcement,
500 12th Street, S.W.,
Washington, DC 20536;

KRISTI NOEM, Secretary of
the Department of Homeland Security,
Washington, D.C. 20528;

PAMELA JO BONDI, U.S.A.G,
950 Pennsylvania Avenue, N.W.,
Washington, D.C. 20530;

Respondents.

Case No. _____

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

Petitioner, Jean Carlos Aguilar-Huanga, petitions this Court for a writ of habeas corpus to immediately release him to remedy his unlawful detention and his continued unlawful detention by the Respondents based on violations of the Due Process Clause of the Constitution, the Immigration and Nationality Act, and the Administrative Procedure Act, and states the following in support thereof:

INTRODUCTION

1. Petitioner, Mr. Jean Carlos Aguilar-Huanga (“Mr. Aguilar-Huanga”), is a native and citizen of Ecuador who entered the United States in April of 2021 without admission or inspection. He was not apprehended by immigration officials at the time of entry. He has been residing in the United States since his entry in April 2021.
2. Early in the morning of December 21, 2025, as Mr. Aguilar-Huanga was exiting a convenience store in Salisbury, Maryland, he observed several unknown, masked individuals outside the store. Believing these individuals to be criminals, Mr. Aguilar-Huanga began running in fear, but those individuals pursued him while yelling that they would shoot him with a taser if he did not stop. Fearing imminent physical harm, Mr. Aguilar-Huanga stopped, at which point the individuals overpowered him, grabbed him, threw his belongings on the ground, and arrested him. After the arrest, Mr. Aguilar-Huanga learned that those individuals were agents from the U.S. Immigration and Customs Enforcement (“ICE”), which is part of the Department of Homeland Security (“DHS”).
3. On information and belief, prior to or contemporaneously with his arrest, the ICE officers did not possess nor present a warrant or any other documentation authorizing Mr. Aguilar-Huanga’s arrest.
4. After the arrest, Mr. Aguilar-Huanga was taken to the DHS ICE field office in Salisbury,

Maryland. Subsequently, DHS issued a Notice to Appear (“NTA”) against Mr. Aguilar-Huanga placing him in removal proceedings and then transported him outside of Maryland, ultimately transferring him to Diamondback Correctional Facility, in Watonga, Oklahoma, where he is currently detained at the behest of DHS. (Exhibits 1, 2, 3, 4.)

5. Mr. Aguilar-Huanga is prevented from seeking bond before an immigration judge based on the recently issued decision by the Board of Immigration Appeals (“BIA”), *Matter of Yajure Hurtado*, which held that noncitizens present in the United States without admission—regardless of how many years they have been present—are “applicants for admission” under Section 235(a)(1) of the Immigration and Nationality Act (“INA”) (8 U.S.C. § 1225(a)(1)) and thus are ineligible for bond hearings before an immigration judge under INA § 235(b)(2)(A) (8 U.S.C. § 1225(b)(2)(A)). 29 I&N Dec. 216, 220 (BIA 2025).
6. Additionally, although Mr. Aguilar-Huanga asserts that he is a class member of *Maldonado Bautista v. Santacruz* and is therefore not subject to INA § 235(b)(2)(A) (8 U.S.C. § 1225(b)(2)(A)), he is nevertheless prevented from seeking release based on his class membership due to Respondents’ violation of the declaratory judgment issued in *Maldonado Bautista*. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). *Maldonado Bautista* is a class action lawsuit that challenges the application of the mandatory detention provision under INA § 235(b)(2)(A) (8 U.S.C. § 1225(b)(2)(A)) to all noncitizens who entered the United States without inspection. Ultimately, the district court granted declaratory relief to the entire class, holding that the government is unlawfully subjecting class members to mandatory detention and that class members are eligible for release on bond under the

immigration laws. *See Maldonado Bautista v. Santacruz Jr.*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, and adding "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole"). However, upon information and belief, immigration judges have been instructed to disregard the judgment in *Maldonado Bautista* and instead to continue applying *Matter of Yajure Hurtado* to deny bond hearings to class members. (Exhibit 5.)

7. Having no other recourse, Mr. Aguilar-Huanga brings this petition to remedy violations of the Due Process Clause of the Fifth Amendment, the INA, and the Administrative Procedure Act ("APA"), and respectfully requests that this Court issue a writ of habeas corpus ordering Respondents to immediately release him from custody, which Mr. Aguilar-Huanga asserts is the only remedy that can adequately redress his warrantless arrest and detention by Respondents. In the event that this Court does not order immediate release, Mr. Aguilar-Huanga requests that this Court issue a writ of habeas corpus ordering a custody redetermination hearing before a neutral Immigration Judge under INA § 236(a) (8 U.S.C. § 1226(a)).

CUSTODY

8. Mr. Aguilar-Huanga is in the physical custody of Respondents as he is being detained at the Diamondback Correctional Facility in Watonga, Oklahoma, at the behest of Respondents. (Exhibits 2, 3.) Mr. Aguilar-Huanga is under the direct control of Respondents and their agents.

JURISDICTION

9. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. § 1331; 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment, U.S. CONST. amend. V; and the Suspension Clause, U.S. CONST. art. I, § 9.
10. The Court has jurisdiction in equity to order Mr. Aguilar-Huanga's immediate release from unlawful custody. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (holding that "[t]he typical remedy [for unlawful detention] is, of course, release") (citation omitted).
11. While the federal courts of appeals have jurisdiction to review removal orders directly through petitions for review, *see* 8 U.S.C. § 1252(a)(1), (b), the federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by Respondents. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

VENUE

12. Venue is proper in the Western District of Oklahoma under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because: 1) at least two Respondents are located in this District, 2) Mr. Aguilar-Huanga is detained in this District, 3) Mr. Aguilar-Huanga's immediate physical custodian is located in this District, and a 4) substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("[T]he proper respondent to a habeas petition is 'the person who has custody over the petitioner'") (citing 28 U.S.C. § 2242).

PARTIES

13. Petitioner, Mr. Aguilar-Huanga, is currently detained at the Diamondback Correctional Facility at the behest of the Respondents.

14. Respondent Fred Figueroa is the Warden of the Diamondback Correctional Center, where Petitioner is currently detained. In his capacity as Warden, he oversees the administration and management of Diamondback Correctional Facility. He is a legal custodian of Mr. Aguilar-Huanga and is being sued in his official capacity.
15. Respondent Robert Cerna is the Field Office Director of the Dallas Office for Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”), within the DHS. In this capacity, he is responsible for the administration of immigration laws and execution of detention and removal determinations in Oklahoma and North Texas and, as such, is an immediate custodian of Mr. Aguilar-Huanga. Mr. Cerna is being sued in his official capacity.
16. Respondent Todd M. Lyons is the Director of ICE. Mr. Lyons is a legal custodian of Mr. Aguilar-Huanga, and he is being sued in his official capacity. In this capacity, Mr. Lyons is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), he routinely transacts business in the Western District of Oklahoma, he supervises Respondent Cerna, and is legally responsible for Mr. Aguilar-Huanga’s detention.
17. Defendant Kristi Noem is the Secretary of the DHS, and she is being sued in her official capacity. In this capacity, Ms. Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), she routinely transacts business in the Western District of Oklahoma, she supervises Respondents Lyons and Cerna, and she is legally responsible for Mr. Aguilar-Huanga’s detention.
18. Respondent Pamela Jo Bondi is being sued in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review (“EOIR”), pursuant to 8

U.S.C. § 1103(g). Ms. Bondi routinely transacts business in the Western District of Oklahoma and is legally responsible for administering Mr. Aguilar-Huanga's custody redetermination proceedings and the standards used in those proceedings.

FACTS

19. Mr. Aguilar-Huanga is a native and citizen of Ecuador who entered the United States in April of 2021. He was not apprehended by immigration officials at the time of entry. He has been residing in the United States since his entry in April 2021.
20. Early in the morning of December 21, 2025, as Mr. Aguilar-Huanga was exiting a convenience store in Salisbury, Maryland, he observed several unknown, masked individuals outside the store. Believing the individuals to be criminals, Mr. Aguilar-Huanga began running in fear, but the individuals pursued him while yelling that they would shoot him with a taser if he did not stop. Fearing imminent physical harm, Mr. Aguilar-Huanga stopped, at which point the individuals overpowered him, grabbed him, threw his belongings on the ground, and arrested him. After the arrest, Mr. Aguilar-Huanga learned that the individuals were agents from the U.S. Immigration and Customs Enforcement ("ICE"), which is part of the Department of Homeland Security ("DHS").
21. On information and belief, prior to, or contemporaneously with, his arrest, the ICE officers did not possess nor present a warrant or any other documentation authorizing Mr. Aguilar-Huanga's arrest.
22. After the arrest, Mr. Aguilar-Huanga was taken to the DHS ICE field office in Salisbury, Maryland. Subsequently, DHS issued an NTA against Mr. Aguilar-Huanga to place him in removal proceedings. (Exhibits 1, 4.) The NTA designated Mr. Aguilar-Huanga as "an alien present in the United States who has not been admitted or paroled," as opposed to an "arriving

alien,” and charged him with inadmissibility under INA § 212(a)(6)(A)(i) (8 U.S.C. § 1182(a)(6)(A)(i)) [present in the United States without being admitted or paroled] and INA § 212(a)(7)(A)(i)(I) (8 U.S.C. § 1182(a)(7)(A)(i)(I)) [not in possession of valid entry document at the time of application for admission]. (Exhibits 1.) Afterwards, Mr. Aguilar-Huanga was transported outside of Maryland, and was ultimately transferred to Diamondback Correctional Facility, in Watonga, Oklahoma, where he is currently detained at the behest of DHS. (Exhibits 2, 3.)

23. Since his December 21, 2025, arrest, Mr. Aguilar-Huanga has remained detained at the behest of DHS and is currently detained at the Diamondback Correctional Facility, with limited access to counsel and his family, and no opportunity to seek a bond hearing or any other course of action to secure his release from detention. (Exhibit 2, 3.)

24. This petition follows.

EXHAUSTION

25. Mr. Aguilar-Huanga is not required to exhaust administrative remedies before filing the instant petition for a writ of habeas corpus challenging his detention.

26. Numerous district courts nationwide, including courts within the Tenth Circuit, have previously found that administrative exhaustion is not required in habeas petitions challenging unlawful immigration detention, as doing so would be futile or result in irreparable harm. *See Salazar v. Dedos*, No. 25-835, 2025 WL 2676729 at *3 n.3 (D.N.M. Sept. 17, 2025) (noting that “other district courts addressing this same issue have found administrative exhaustion is not required,” citing *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827, at *5-8 (D. Mass. Aug. 19, 2025), which waived the exhaustion requirement because further immigration proceedings would be futile given the BIA’s current position regarding detention authority);

Sacvin v. Ybarra, No. 2:25-CV-01031-KG-JFR, 2025 WL 3187432, at *2 (D.N.M. Nov. 14, 2025) (citing *Mosqueda v. Noem*, No. No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *1, *7 (C.D. Cal. Sept. 8, 2025)) (finding that exhaustion is futile and thus is not required because “in publishing *Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025), the [BIA] adopted the legal interpretation’ that categorically ‘considers anyone arrested within the United States and charged with being inadmissible’ to be subject to detention under 8 U.S.C. § 1225(b)(2)(A)”); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1252-53 (W.D. Wash. 2025) (declining to require exhaustion because it would result in the irreparable harm of prolonged detention without a bond hearing); *Covarrubias v. Vergara*, 2025 WL 2950096, at *6 (S.D. Tex. Oct. 3, 2025) (finding that exhaustion of administrative remedies would be futile because unreasonable delay of such process would frustrate the petitioner’s claims); *Lopez Arevelo v. Ripa*, 2025 WL 2691828, at *6 (W.D. Tex. Sept. 22, 2025) (finding that requiring the petitioner to wait indefinitely to exhaust administrative remedy would be inappropriate); *Kostak v. Trump et al.*, No. 3:25-cv-01093, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025) (holding that exhaustion was not required as the federal district court “is the proper forum in which Petitioner can bring her constitutional claims”); *Lopez-Campos v. Raycraft*, 797 F.Supp.3d 771, 779 (E.D. Mich. 2025) (holding that “prudential exhaustion” should be waived where, as here, “exhaustion would not effectively afford [the petitioner] the relief he seeks” and “BIA lacks authority to review constitutional challenges”); *see also Fontenot v. Crow*, 4 F.4th 982, 1019-20 (10th Cir. 2021) (recognizing that exhaustion is a “judicially created prudential principle” which is “not jurisdictional” and can be excused if, among others, exhaustion would have been futile); *Daley v. Ceja*, 158 F.4th 1152, 1159 (10th Cir. 2025) (“Following this logic, the writ of habeas corpus is a civil action: it is the common law mechanism used to challenge

the legality of detention and therefore to redress unlawful detentions”); *Fuller v. Rich*, 11 F.3d 61, 61 (5th Cir. 1994) (holding that “[e]xceptions to the exhaustion requirement are appropriate where the available administrative remedies either are unavailable or wholly inappropriate to the relief sought, or where the attempt to exhaust such remedies would itself be a patently futile course of action).

27. Here, requiring exhaustion would be futile and would result in irreparable harm to Mr. Aguilar-Huanga.
28. Foremost, Mr. Aguilar-Huanga is not seeking review of a final order of removal, and there is no statutory requirement that a noncitizen exhaust administrative remedies before challenging the legality of their detention. *Cf.* 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies prior to challenging removal order in circuit court).
29. Additionally, Mr. Aguilar-Huanga alleges that his ongoing detention violates his Fifth Amendment right to due process, which is a constitutional issue that cannot be addressed administratively. *See, e.g., Maramba v. Mukasey*, No. 3:08-CV-0351-K, 2008 WL 1971378, at *4 (N.D. Tex. Apr. 28, 2008) (concluding that when a petitioner “seeks to raise a pure constitutional challenge to the statute that permits his detention . . . the court should exercise jurisdiction without first requiring exhaustion of administrative remedies”); *Ayobi v. Castro*, No. SA-19-CV-01311-OLG, 2020 WL 13411861, at *3 n.5 (W.D. Tex. Feb. 25, 2020) (determining that there was no requirement that a 8 U.S.C. § 1226(a) detainee must exhaust other remedies before pursuing a Fifth Amendment habeas claim); *Malm v. Holder*, No. CIV.A. H-11-2969, 2012 WL 2568172, at *4 (S.D. Tex. June 29, 2012) (same); *Kambo v. Poppell*, No. SA-07-CV-800-XR, 2007 WL 3051601, at *13 (W.D. Tex. Oct. 18, 2007) (citing *Fuller v. Gonzales*, No. Civ. A. 3:04CV2039SRU (D. Conn. April 8, 2005)) (explaining that the

petitioner's constitutional challenges to his detention did not have to be exhausted through the BIA because the BIA cannot address constitutional issues).

30. Furthermore, exhaustion would have been futile in light of the recently issued decision by the BIA, *Matter of Yajure Hurtado*, 29 I&N Dec. at 220, which held that noncitizens present in the United States without admission—regardless of how many years they have been present—are “applicants for admission” under INA § 235 (8 U.S.C. § 1225), and thus are ineligible for bond hearings before an immigration judge. Such futility is further demonstrated by the government's apparent response to the judgment in *Maldonado Bautista*: despite the declaratory judgment in *Maldonado Bautista* affirming that noncitizens like Mr. Aguilar-Huanga who entered without inspection and were not apprehended at the time of entry are eligible for bond, immigration judges were instructed to disregard that decision and instead to continue following *Matter of Yajure Hurtado*. See Exhibit 5; *Maldonado Bautista*, 2025 WL 3713987 at *11-12; *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).
31. In sum, administrative remedies would either be futile or inadequate for the purpose of addressing the injury caused by Mr. Aguilar-Huanga's unlawful detention. Habeas corpus is the only adequate remedy under these circumstances.

LEGAL FRAMEWORK FOR IMMIGRATION-RELATED DETENTION

32. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.
33. First, INA § 236 (8 U.S.C. § 1226) authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge. See 8 U.S.C. § 1229a. Noncitizens in INA § 236(a) (8 U.S.C. § 1226(a)) detention are 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* INA § 236(c) (8 U.S.C. § 1226(c)).

34. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under INA § 235(b)(1) (8 U.S.C. § 1225(b)(1)) and for other recent arrivals seeking admission referred to under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)).
35. Last, the INA also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, *see* INA § 241(a)-(b) (8 U.S.C. § 1231(a)-(b)).
36. The detention provisions at INA § 236(a) (8 U.S.C. § 1226(a)) and INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. INA §236(a) (8 U.S.C. § 1226(a)), and were most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).
37. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that, in general, people who were present in the United States without having been admitted or paroled were not considered to be detained under INA § 235 (8 U.S.C. § 1225) and that they were instead considered to be detained under INA § 236(a) (8 U.S.C. § 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).
38. Thus, in the decades that followed, most people who were present in the United States without having been admitted or paroled—unless they were subject to some other detention authority—received bond hearings. 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 immigration judge 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 8 U.S.C. § 1226(a) simply “restates” the detention authority previously found at 8 U.S.C. § 1252(a)).

39. In the early spring of 2025, Respondents quietly implemented a new policy that turns this well-established understanding on its head and violates the statutory scheme.
40. This new legal theory that noncitizens who entered the United States without admission or parole are ineligible for bond hearings was rejected by a District Court in the Western District of Washington, finding that such individuals are entitled to bond redetermination hearings before immigration judges, and rejecting the application of INA § 235(b)(2) (8 U.S.C. §1225(b)(2)) to such cases. *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *12 (W.D. Wash. Apr. 24, 2025).
41. Undeterred, Respondents continued to assert this new theory, and a May 22, 2025 unpublished BIA decision confirms that the EOIR is taking this same position that noncitizens who entered the United States without admission or parole are ineligible for immigration judge bond hearings.
42. This new immigration detention policy was finally officially confirmed on July 8, 2025, when the Director of Immigration and Customs Enforcement, Todd Lyons, issued a policy memo entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” The Lyons Memo directed ICE to apply INA § 235 to *any* noncitizen who entered the United States without admission or parole, regardless of when the noncitizen entered the United States, even if it was decades ago, or in situations where the noncitizen was encountered in the interior of the United States.
43. On September 5, 2025, the BIA issued its decision in *Matter of Yajure Hurtado*, 29 I&N Dec.

216 (BIA 2025), adopting the position announced in the Lyons Memo that noncitizens who entered the United States without admission or parole are ineligible for bond hearings before an immigration judge. The immigration courts and the BIA are part of the EOIR, which in turn are part of the Department of Justice, which is controlled by the U.S. Attorney General, Pamela Jo Bondi.

44. This interpretation defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Mr. Aguilar-Huanga.
45. The text of INA § 236 (8 U.S.C. § 1226) explicitly applies to people charged as being inadmissible, including those who entered without admission or parole. *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). INA § 236 (8 U.S.C. § 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. INA § 236(a) (8 U.S.C. § 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 INA § 240 (8 U.S.C. § 1229a), which “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
46. By contrast, INA § 235 (8 U.S.C. § 1225) applies to noncitizens arriving at U.S. ports of entry or who have recently entered the United States. While this section defines “applicants for admission” as those who “ha[ve] not been admitted or who arrive[] in the United States,” INA § 235(a)(1) (8 U.S.C. § 1225(a)(1)), it mandates detention only for three specific subcategories of such applicants. First, INA § 235(b)(1)(A)(i) (8 U.S.C. § 1225(b)(1)(A)(i)) mandates the detention and expedited removal of “applicants for admission” who are “arriving in the United

States.” Second, INA § 235(b)(1)(A)(iii)(II) (8 U.S.C. § 1225(b)(1)(A)(iii)(II)) mandates the detention and expedited removal of noncitizens who cannot show that they have been physically present in the United States for two years. Lastly, INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), mandates the detention of “applicants for admission” who are “seeking admission” to the United States during the pendency of their removal proceedings. The term “admission,” in turn, is defined as, “the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” INA § 101(a)(13)(A) (8 U.S.C. § 1101(a)(13)(A)).

47. The plain text of the statute thus excludes “applicants for admission” who have already entered the country years ago, as such persons cannot logically be deemed to be “arriving in” or “seeking admission,” i.e., as pursuing lawful entry, to the United States.
48. The federal courts, including courts from this District, have overwhelmingly rejected the DHS’s legal position in the Lyons Memo and in the BIA’s decision in *Matter of Yajure Hurtado*. See, e.g., *Valdez v. Holt*, No. CIV-25-1250-R, 2025 WL 3709021, at *1 (W.D. Okla. Dec. 22, 2025); *Colin v. Holt*, CIV-25-1189-D, 2025 WL 3645176, at *2 (W.D. Okla. Dec. 16, 2025); *Diaz v. Holt*, No. CIV-25-1179-J, 2025 WL 3296310, at *1 (W.D. Okla. Nov. 26, 2025); *Mboup v. Field Off. Dir. of N.J. Immigr. & Customs Enf’t*, No. 2:25-CV-16882 (MEF), 2025 WL 3062791, at *1 & n.3 (D.N.J. Nov. 3, 2025) (collecting cases rejecting the government’s novel interpretation of 8 U.S.C. § 1225(b)(2)); *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910, at *4 (E.D. Cal. Sept. 23, 2025) (same).
49. Mr. Aguilar-Huanga asserts that at the time of his arrest in 2025, DHS could not have detained him under any provision of INA § 235 (8 U.S.C. § 1225). Mr. Aguilar-Huanga could not have been detained under § 235(b)(1)(A)(i) (8 U.S.C. § 1225(b)(1)(A)(i)) because he was not an

arriving alien, as evidenced by his NTA. (Exhibit I.) Nor could he have been detained under § 235(b)(1)(A)(iii)(II) (8 U.S.C. § 1225(b)(1)(A)(iii)(II)) because he has been physically present in the United States for more than two years, since April 2021. Finally, he could not have been detained under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), which applies only to recent arrivals “seeking admission,” that is, seeking lawful entry into the country, as he has already entered the United States, has long been residing here, and is therefore not seeking admission, but rather a lawful means to remain here. *See* INA § 101(a)(13)(A) (8 U.S.C. § 1101(a)(13)(A)).

50. Because INA § 235 (8 U.S.C. § 1225) applies only to three specific categories of noncitizens, and Mr. Aguilar-Huanga falls into none of them, his detention must necessarily be governed by INA § 236 (8 U.S.C. § 1226).
51. Mr. Aguilar-Huanga further asserts that Respondents violated the procedures prescribed under INA § 236 (8 U.S.C. § 1226) when they detained him without a warrant in 2025. INA § 236(a) (8 U.S.C. § 1226(a)) provides that “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” Thus, detention under this provision requires the issuance of a warrant prior to arrest, after which the noncitizen is entitled to a bond hearing before an immigration judge. Here, however, on information and belief, no such warrant was issued prior to Mr. Aguilar-Huanga’s arrest. Therefore, his current detention also violates INA § 236 (8 U.S.C. § 1226).
52. Alternatively, Mr. Aguilar-Huanga asserts that he is a *Maldonado Bautista* class member and that, by arresting him and subjecting him to mandatory detention, Respondents had violated the declaratory judgment issued in *Maldonado Bautista*. *Maldonado Bautista* is a class-action

case brought pursuant to the bond statute and regulations and the Administrative Procedure Act, not the federal habeas statute. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs in the case and, on November 25, 2025, certified a nationwide class and extended declaratory relief to the certified class. *See Maldonado Bautista*, 2025 WL 3289861, at *11 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*, 2025 WL 3288403, at *9 (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, and adding "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole"). The district court certified the bond class ("Bond Eligible Class") as follows:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista, 2025 WL 3288403, at *1. The declaratory judgment order held that the class members who were denied bond are in fact detained under INA § 236(a) (8 U.S.C. § 1226(a)), and thus may not be denied consideration for release on bond under INA § 235(b)(2)(A) (8 U.S.C. § 1225(b)(2)(A)). *Maldonado Bautista*, 2025 WL 3289861, at *11

53. Mr. Aguilar-Huanga is a member of the Bond Eligible Class in *Maldonado Bautista* because he is a noncitizen in the United States without lawful status in the United States who (1) entered the United States without inspection; (2) was not apprehended upon arrival; and (3) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Accordingly, Mr. Aguilar-Huanga is entitled to the benefit of the district court's conclusion in *Maldonado Bautista* that his custody is governed by INA § 236(a) (8 U.S.C. § 1226(a)), not INA § 235(b)(2) (8 U.S.C. §

1225(b)(2)). Respondents are bound by the judgment in *Maldonado Bautista* as to class members nationwide, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). By arresting him and subjecting him to mandatory detention under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), Respondents had violated the declaratory judgment issued in *Maldonado Bautista*.

54. In sum, this Court should conclude that Mr. Aguilar-Huanga’s ongoing detention, premised on the BIA’s erroneous interpretation of INA § 235 (8 U.S.C. § 1225) in *Matter of Yajure Hurtado*, is unlawful. Additionally, this Court should find that Mr. Aguilar-Huanga’s warrantless arrest and detention violate INA § 236 (8 U.S.C. § 1226), a violation that cannot be remedied by a post-deprivation bond hearing. Accordingly, this Court should order his immediate release.
55. In the event that this Court does not order immediate release, Mr. Aguilar-Huanga requests that this Court mandate Respondents to promptly provide him with a bond hearing before a neutral Immigration Judge applying the proper standards under INA § 236(a) (8 U.S.C. § 1226(a)), and in accordance with the declaratory judgment issued in *Maldonado Bautista*.

CLAIMS OF RELIEF

COUNT ONE

VIOLATION OF PROCEDURAL DUE PROCESS U.S. Const. amend. V

56. Mr. Aguilar-Huanga realleges and incorporates by reference each and every allegation contained above.
57. As the Supreme Court has repeatedly instructed, freedom “from government custody, detention, or other forms of physical restraint” is at “the heart” of what the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. at 690 (2001); *see also Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core of the liberty

protected by the Due Process Clause from arbitrary governmental action”). This is particularly true in the context of civil detention. *See, e.g., Addington v. Texas*, 441 U.S. 418, 425 (1979) (“This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection”); *Kansas v. Hendricks*, 521 U.S. 346, 368 (1997) (requiring “strict procedural safeguards” to justify involuntary civil commitment of certain sex offenders); *Foucha*, 504 U.S. at 81-82, 86 (holding unconstitutional a state civil commitment “statute that place[d] the burden on the detainee to prove that he is not dangerous”).

58. To determine whether a civil detention violates a detainee’s procedural due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See United States v. Weed*, 389 F.3d 1060, 1068 (10th Cir. 2004) (applying the *Mathews* three-part test to determine “whether procedures comport with due process in the civil context”); *Glatz v. Kort*, 807 F.2d 1514, 1519 (10th Cir. 1986) (stating that “[c]onstitutionally required procedural protections are matters of federal law and are analyzed through the application of the *Mathews v. Eldridge*”).
59. Pursuant to *Mathews*, courts weigh the following three factors: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S. at 335.
60. The first *Mathews* factor requires consideration of the private interest at stake. This factor weighs heavily in Mr. Aguilar-Huanga’s favor because his interest in being free from physical

detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

61. The second *Mathews* factor requires courts to assess whether the challenged procedure creates a risk of erroneous deprivation of individuals’ private rights and the degree to which alternative procedures could ameliorate these risks. Here, that risk is evident because it does not appear that any individualized determination was made either prior to, or contemporaneously with, the decision to detain Mr. Aguilar-Huanga in December 2025. In the absence of such an individualized determination, the risk of erroneous deprivation of Mr. Aguilar-Huanga’s liberty interest is high.
62. The third *Mathews* factor, the government’s interest, also weighs in favor of granting this petition. The government here, DHS, only has one legitimate interest at stake, which is ensuring that noncitizens facing removal do not endanger the public or abscond during the pendency of their removal cases. Mr. Aguilar-Huanga has no violent criminal history and has maintained positive equities in the United States as a member of his communities. Thus, Mr. Aguilar-Huanga’s continued detention serves no significant governmental interest.
63. Mr. Aguilar-Huanga’s ongoing detention therefore deprives him of his right to procedural due process, and he is entitled to immediate release.

COUNT TWO

VIOLATION OF SUBSTANTIVE DUE PROCESS U.S. Const. amend. V

64. Mr. Aguilar-Huanga realleges and incorporates by reference each and every allegation contained above.
65. The Fifth Amendment provides in pertinent part: “No person shall be...deprived of life, liberty, or property, without due process of law[.]” U.S. CONST. amend. V.

66. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.
67. At a bare minimum, “the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.” *Zadvydas*, 533 U.S. at 718 (Kennedy, J., dissenting).
68. To meet the strictures of due process, Mr. Aguilar-Huanga’s detention must “bear[] a reasonable relation to [the] purpose[s]” of civil immigration detention, which the Supreme Court has identified as mitigating flight risk and mitigating danger to the community. *See Zadvydas*, 533 U.S. at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715 (1972)) (quotation marks omitted).
69. “Government detention violates that Clause unless the detention is ordered in a *criminal* proceeding with adequate procedural protections or, in certain special and ‘narrow’ nonpunitive ‘circumstances’ where a special justification...outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Zadvydas*, 533 U.S. at 690 (emphasis in original) (internal citations omitted).
70. Mr. Aguilar-Huanga is not aware of any “special justification” that outweighs his interest in physical liberty. Nor is his current detention narrowly tailored to serve any other compelling state interest.
71. Mr. Aguilar-Huanga’s detention therefore deprives him of his right to substantive due process, and he is entitled to immediate release.

COUNT THREE

VIOLATION OF THE INA

72. Mr. Aguilar-Huanga realleges and incorporates by reference each and every allegation contained above.

73. Respondents' application of INA § 235 (8 U.S.C. § 1225) to Mr. Aguilar-Huanga is unlawful because it violates the plain text of INA §§ 235 and 236 (8 U.S.C. §§ 1225 and 1226) and the judgment issued in *Maldonado Bautista*.
74. INA § 235 (8 U.S.C. § 1225), by its plain language, applies only to individuals arriving at a U.S. port of entry or who have recently entered, and subjects such noncitizens to mandatory detention. In contrast, as found by the court in *Maldonado Bautista*, individuals like Mr. Aguilar-Huanga, who are present in the United States without having been admitted or paroled, may be detained pending removal proceedings under INA § 236(a) (8 U.S.C. § 1226(a)), which grants immigration judges the authority to re-determine custody status unless mandatory detention applies. The INA also empowers the BIA to review immigration judges' custody redeterminations.
75. Thus, by applying the mandatory detention under INA § 235 (8 U.S.C. § 1225) to Mr. Aguilar-Huanga, Respondents violated the plain language of INA § 235 (8 U.S.C. § 1225) and the judgment in *Maldonado Bautista*.
76. Additionally, Mr. Aguilar-Huanga's warrantless arrest and detention also violates the plain language of INA § 236(a) (8 U.S.C. § 1226(a)), which authorizes detention only "[o]n a warrant issued by the Attorney General."
77. Thus, Mr. Aguilar-Huanga's continued detention violates the INA, and he is entitled to immediate release. Alternatively, as a member of the Bond Eligible Class in *Maldonado Bautista*, Mr. Aguilar-Huanga is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

COUNT FOUR

VIOLATION OF THE APA

78. Mr. Aguilar-Huanga realleges and incorporates by reference each and every allegation contained above.

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

80. By subjecting Mr. Aguilar-Huanga to mandatory detention under INA § 235 (8 U.S.C. § 1225), or alternatively, warrantless arrest and detention under INA § 236 (8 U.S.C. § 1226), Respondents have acted contrary to the plain text of the statute, longstanding agency practice, and binding precedent. Respondents’ misapplication of the two INA provisions to Mr. Aguilar-Huanga is ultra vires because it exceeds the detention authority granted to Respondents by Congress through the INA.

81. Therefore, this Court should find that Mr. Aguilar-Huanga’s continued detention violates the APA because it is not in accordance with law, and is arbitrary and capricious, and thus he is entitled to immediate release.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Enjoin Respondents from transferring Petitioner outside the jurisdiction of the Western District of Oklahoma pending the resolution of this case;
- (3) Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;

- (1) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (2) Declare that Petitioner's detention violates the Administrative Procedure Act and the Immigration and Nationality Act, and specifically 8 U.S.C. § 1226(a);
- (3) Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody on his own recognizance or under parole, bond, or reasonable conditions of supervision;
- (4) Alternatively, grant a writ of habeas corpus ordering Respondents to provide a prompt and individualized bond hearing before a neutral Immigration Judge applying the proper standards under INA § 236(a) (8 U.S.C. § 1226(a));
- (5) Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- (6) Grant any other and further relief which this Court deems necessary and proper.

Respectfully submitted on this 22nd day of January, 2026.

Jean Carlos Aguilar-Huanga

By his attorneys,

/s/ Timothy W. Davis

Timothy W. Davis*

MD Bar No. 200712110185

Law Office of Timothy W. Davis, LLC

1521 South Edgewood Street, Suite B

Baltimore, Maryland 21227

Phone: (443) 923-7000

Fax: (443) 927-7979

Email: twdavislaw@gmail.com

through local counsel.

/s/ Michelle L. Edstrom

Michelle L. Edstrom

OK Bar No. 22555

Edstrom Law Center

1708 N. Broadway Ave.

Oklahoma City, OK 73103

Phone: (405) 401-1213

Fax: (405) 276-2127

Email: medstrom@edstromlaw.com

** Application for admission pro hac vice pending*

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

The undersigned counsel submits this verification on behalf of the Petitioner. Undersigned counsel has discussed with Petitioner the events described in this Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and, on the basis of those discussions, verifies that the statements in the Petition are true and correct to the best of their knowledge.

Date: January 22, 2026

/s/ Timothy W. Davis
Timothy W. Davis

Attorney for Petitioner