

United States District Court
FOR THE DISTRICT OF MINNESOTA

Jose Luis Salazar Parrales

Petitioner,

Case No. 0:26-cv-617

v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

David Easterwood, Field Office Director
of Enforcement and Removal
Operations, St. Paul Field Office,
Immigration and Customs Enforcement;
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 U.S.
Immigration and Customs
Enforcement; Pam Bondi, in her official
capacity as Attorney General of the
United States

Respondents.

INTRODUCTION

1. Petitioner, Jose Luis Salazar Parrales, is in the physical custody of Respondents at Fort Snelling, Minnesota. He now faces unlawful detention because the Department of Homeland Security (DHS) and the

Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

2. On or about May 12, 2015, Petitioner entered as a U-3 Non-Immigrant Child of a U-1 recipient Petitioner was inspected and admitted into the United States.

3. On January 23, 2026, Petitioner was arrested and taken into Immigration and Customs Enforcement ("ICE") custody. No known charging documents were filed.

4. Undersigned counsel believes that Petitioner is being charged as being an Alien Present Without Admission or Parole (PWAs) under INA 212(a)(6)(A)(i) (a.k.a. 8 U.S.C. § 1182(a)(6)(A)(i)).

5. Undersigned counsel also believes that the Petitioner was also charged as an Immigrant without an Immigrant Visa under INA 212(a)(7)(A)(i)(I) (a.k.a. 8 U.S.C. § 1182(a)(7)(A)(i)(I)).

6. Both charges would be found to be incorrect as Petitioner entered the United States with inspection and lawfully admitted.

7. Petitioner is unlawfully detained pursuant to a new DHS policy formalized by the BIA decision *Matter of Yajure Hurtado*, under which all ICE employees are to consider anyone inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)—i.e., those who entered the United States without

inspection—to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention.

8. 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, 8 U.S.C. § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are present in the interior having entered the United States without inspection.

9. Respondents’ new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

10. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a) within fourteen days.

JURISDICTION

11. Petitioner is in the physical custody of Respondents. Petitioner is detained at Fort Snelling, Minnesota.

12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

13. 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.

VENUE

14. 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 District of Minnesota, the judicial district in which Petitioner currently is detained.

15. 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 District of Minnesota.

REQUIREMENTS OF 28 U.S.C. § 2243 TO SHOW CAUSE

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

17. 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

18. Petitioner Jose Luis Salazar Parrales is a citizen of Ecuador who has resided in the United States for more than a decade. Petitioner has been in immigration detention since on or about January 23, 2026. After arresting Petitioner Minneapolis, Minnesota, ICE did not set a bond and informed him that he would be transferred to Texas the following day.

19. Respondent David Easterwood is the Director of the MSP Field Office of ICE’s Enforcement and Removal Operations division. As such, David Easterwood is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

20. 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.

21. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement (ICE). He is responsible for overseeing the federal agency responsible for Petitioner's detention. Mr. Lyons has custodial authority over Petitioner and is sued in his official capacity.

22. Respondent Pam Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice. She has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals (BIA). Ms. Bondi has custodial authority over Petitioner and is sued in her official capacity.

LEGAL FRAMEWORK

A. Discretionary Detention

23. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

24. Due Process requires that there be "adequate procedural protections" to ensure that the government's asserted justification for a

noncitizen's physical confinement "outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. A noncitizen may only be detained based on these two justifications if they are otherwise statutorily eligible for bond. *Zadvydas*, 533 U.S. at 690.

25. "The fundamental requirement of due process is the opportunity be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). To determine what process Petitioner is due, this Court should consider (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of that private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government's interest in maintaining the current procedures, including the governmental function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail. *Id.* at 335.

26. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

27. 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).

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

29. 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).

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

31. The detention provisions at § 1226(a) and § 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. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

32. 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).

33. 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. 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)).

34. 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.

35. 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 deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore are 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.

36. On September 5, 2025, the Board of Immigration Appeals (BIA) adopted this same position in the case of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision holds that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bond hearings.

37. Under the Supreme Court's recent decision in *Loper Bright v. Raimondo*, this Court should independently interpret the statute and give the BIA's expansive interpretation of § 1225(b)(2) no weight, as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).

38. ICE and EOIR have adopted this position even though federal courts have rejected this exact conclusion. For example, after 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, 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 v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *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).

39. “The 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.”

Martinez v. Hyde, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)).

40. DHS’s and DOJ’s interpretation defies the INA. As the *Rodriguez Vazquez* court explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

41. 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, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

42. 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 v. Bostock*,

779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

43. 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.

44. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who 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. 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).

45. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

FACTS

46. Petitioner has resided in the United States for over a decade, and lived in Minneapolis, Minnesota, prior to his detention.

47. Petitioner has already been in removal proceedings and his case was dismissed after a motion by DHS.

48. On September 23, 2020, the U.S. Department of Homeland Security issued the Respondent a Notice to Appear.

49. On June 10, 2021, Immigration Judge Katherine Hansen dismissed his removal proceedings. The Department of Homeland Security did not oppose the dismissal.

50. On July 24, 2020 Petitioner's United States Citizen spouse filed an Petition for Alien Relative, Form I-130. Approved on November 5, 2020.

51. On March 30, 2021 Petitioner filed an application for Adjustment of Status form I-485 while in removal proceedings. While his removal case was dismissed, the application remains pending.

52. The Petitioner has been living and working with a valid employment authorization document and social security number.

53. The Petitioner was detained this evening while on his route to work with Uber Eats. He is now detained at Fort Snelling, Minnesota.

54. Petitioner's criminal history involves no offenses subjecting him to mandatory detention.

55. Petitioner has five United States Citizen children with his United States Citizen spouse. The children are all under the age of 8 years old.

56. Petitioner has been continuously employed with Uber Eats for the past two year.

57. Petitioner has relief available to him. He is pending an application for adjustment of status based on approved I-130 Petition for Alien Relative filed by his United States Citizen spouse.

58. Petitioner is neither a flight risk nor a danger to the community.

59. Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family, his business and community.

60. Any pursuit of a bond hearing before an IJ or, in the event of denial, appeal to the BIA, while available, is futile for his release. The recent BIA decision in *Yajure Hurtado* would subject the Petitioner to detention without discretionary bond, likely in contravention of federal law. Moreover, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General were defendants, DOJ affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). See Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

CLAIMS FOR RELIEF

COUNT I

**Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond**

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

62. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

63. Under § 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

64. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

65. Petitioner's continuing detention is therefore unlawful.

COUNT II

**Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and
1003.19 Unlawful Denial of Release on Bond**

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

67. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service ("INS") 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. 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.

68. 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

Violation of 8 U.S.C. § 1225(b)(2) Unlawful Detention Under This Provision

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

70. 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. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by

Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

71. Upon information and belief, Petitioner has resided in the U.S. for over a decade. He is therefore neither an arriving alien nor an alien who is now seeking admission to the United States.

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

COUNT IV **Violation of Due Process**

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

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, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

75. The government’s detention of Petitioner is unjustified. Respondents deprived the Petitioner of the opportunity to demonstrate he need not be detained. See *Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s

appearance during removal proceedings and (2) preventing danger to the community). Petitioner cannot present facts demonstrating that he can be safely released back to his community when the Respondents illegally deprive any IJ of jurisdiction to hear his case.

76. Respondents' continued immigration detention of the Petitioner is disconnected from a "reasonable relationship" to any legitimate nonpunitive purpose. *Zadvydas*, 533 U.S. at 690. Petitioner has a fundamental interest in liberty and being free from official restraint.

77. 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. The court should issue a writ of habeas corpus directing Respondents to release Petitioner to safeguard his Fifth Amendment liberties.

COUNT V

Respondents' Custody Determination is Contrary to Law

78. Petitioner incorporates by reference the preceding paragraphs.

79. The Administrative Procedure Act (APA) provides that courts "shall ... hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in

accordance with law” or is “unsupported by substantial evidence.” 5 U.S.C. §§ 706(2)(A), (E).

80. The APA claim is properly raised in the habeas petition because it concerns a regulation that impacts the fact and duration of confinement. “Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus[.]” *Muhammad v. Close*, 540 U.S. 749, 750 (2004); *see also Otey v. Hopkins*, 5 F.3d 1125, 1130 (8th Cir. 1993).
81. Here, Petitioner’s APA challenge concerns the *Yajure Hurtado* decision that affected the duration of Petitioner’s confinement by purporting to subject Petitioner to mandatory detention and stripping any IJ of jurisdiction to consider Petitioner for release on bond.
82. Under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the Supreme Court held that “[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority, as the APA requires.” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 410 (2024).
83. In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA held that all noncitizens who entered the United States without admission or parole are now considered applicants for admission

under 8 U.S.C. § 1225 and thus are ineligible for immigration judge bond hearings. This precedential decision applies to those in Petitioner's circumstances and was decided before the petitioner was placed in detention. As such, it will be applied to the currently pending appeal with the BIA.

84. Because the BIA's precedential decision *Matter of Yajure Hurtado*, categorizes Petitioner as detained under § 1225(b), *a statute which does not apply to him*, the BIA decision is arbitrary, capricious, and unlawful and should be set aside. Instead, Petitioner should be categorized as detained under § 1226(a), which allows for release on conditional parole or bond for individuals who entered the United States without inspection.

85. For this reason, this Court should enter a declaratory judgment finding that Petitioner is detained under 8 U.S.C. § 1226(a) and order him released on the bond issued by the IJ.

COUNT VI

***Matter of Yajure Hurtado* Violates Procedural Due Process as Applied**

86. Petitioner incorporates by reference the preceding paragraphs.

87. When the government interferes with a liberty interest, "the procedures attendant upon that deprivation [must be]

constitutionally sufficient.” *Ky. Dept. of Corrections v. Thompson*, 490 U.S. at 460. The constitutional sufficiency of procedures is determined by weighing three factors: (1) the private interest that will be affected by the official action, (2) the risk of erroneous deprivation of that interest through the available procedures, and (3) the government’s interest, including the function involved and the fiscal and administrative burdens that additional or substitute procedures would entail. *Mathews*, 424 U.S. at 335.

88. Petitioner has a weighty liberty interest as his freedom “from government . . . detention . . . lies at the heart of the liberty that [the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 693.

89. The risk of erroneous deprivation of Petitioner’s liberty is extremely high, given that the government, pursuant to *Matter of Yajure Hurtado*, is detaining Petitioner under a statute that does not apply to him and denying him his statutory right to a bond hearing on the erroneous assertion that he is subject to mandatory detention.

90. Finally, the government’s interest in preserving its unilateral authority to prevent the release of noncitizens who have already shown they are neither a flight risk nor a danger is minimal. Providing additional procedural protections here introduces no

additional administrative burdens as Petitioner is statutorily entitled to a bond hearing under 8 U.S.C. § 1226(a).

91. Because Respondents have custody of Petitioner in violation of his Fifth Amendment rights, the Court should issue a writ of habeas corpus directing Respondents to release Petitioner to safeguard his constitutional liberties. 28 U.S.C. § 2241. Numerous courts throughout the country have found that the use of the mandatory detention provision, as affirmed in *Matter of Yajure-Hurtado*, violates an individual's right to meaningful procedural due process. *See, e.g., Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *12 (W.D. Tex. Sept. 22, 2025); *Lopez Santos v. Noem*, No. 3:25-CV-01193, 2025 WL 2642278, at *5 (W.D. La. Sept. 11, 2025); *Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025). As such, this Court should likewise find that Petitioner's detention represents a violation of his right to procedural due process and order him immediately released.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;

- b. Issue a writ of habeas corpus requiring that Respondents release Petitioner or provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14 days;
- c. Issue a writ of habeas corpus requiring that upon release, Respondents return to Petitioner his government-issued employment authorization document, identification documents, as well as any and all other lawfully issued documents or property seized from him to ensure his liberty is not restrained upon release;
- d. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243, directing Respondents to show cause why the petition for writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted within three days;
- e. 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;
- f. Grant any other and further relief that this Court deems just and proper.

DATED this 24th day of January 2026.

/s/Gloria Contreras Edin
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