

JUDGE DAVID BRIONES

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

FILED

JAN 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *CM*
DEPUTY CLERK

Claudio Efrain Ayavaca Sanchez,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department
of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,
and

Marisa Flores, Director, El Paso Field
Office, Immigration and Customs
Enforcement, and

Curtis Taylor, Major General, U.S. Army
at Fort Bliss (ERO El Paso Camp East
Montana)

Respondents.

Case No. _____

**PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling Requested

EP 26CV0182

INTRODUCTION

1. Petitioner, Mr. Claudio Efrain Ayavaca Sanchez, ("Mr. Ayavaca Sanchez"), by and through Next Friend Cristian Javier Ayavaca Sanchez, Petitioner's brother, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to release Claudio Efrain Ayavaca Sanchez from ICE detention, or in the alternative

to enjoin their transfer to a facility outside of Texas and to provide a bond hearing pending the completion of any immigration proceedings.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

3. Federal question jurisdiction exists because Mr. Ayavaca Sanchez seeks to challenge this custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

4. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security (“DHS”). *Demore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (c)(1)(B), and 2241(d) because Mr. Ayavaca Sanchez is detained within the District of Minnesota.

6. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(c)(1)(A), because Respondents are operating in this district.

PARTIES

7. Petitioner is a citizen of Ecuador and a resident of Brooklyn Park, Minnesota, who is currently being held at the IRO El Paso Camp East Montana Detention Center in El Paso, Texas. Petitioner is under the direct control of the Respondents and has no scheduled release date.

8. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Mr. Ayavaca Sanchez.

9. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Noem is a legal custodian of Mr. Ayavaca Sanchez.

10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

11. Respondent Marisa Flores is being sued in his official capacity as the Field Office Director for the El Paso Field Office for ICE within DHS. In that capacity,

Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Mr. Ayavaca Sanchez. The address for the El Paso Field Office is 1541 Montana Ave, Suite E, El Paso, Texas, 79936.

12. Respondent Major General Curtis Taylor is being sued in his official capacity as the Commanding General responsible for the IRO El Paso Camp East Montana Detention Center within the U.S. Army Fort Bliss. Because Petitioner is detained in the IRO El Paso Camp East Montana Detention Center, Major General Taylor has immediate day-to-day control over Petitioner.

NEXT FRIEND

13. Next Friend Cristian Javier Ayavaca Sanchez brings this habeas corpus action as next friend of Petitioner, Mr. Ayavaca Sanchez, who is currently detained by U.S. Immigration and Customs Enforcement.

14. A next friend does not become a party to the habeas action but instead prosecutes the case on behalf of the detained individual, who remains the real party in interest. *Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990).

15. Next-friend standing is appropriate where the detainee cannot prosecute the action on their own, due to lack of access to the courts or a similar disability. *Id.* at 163-64. Additionally, a next friend may bring a petition “only if the litigation actually involves the concerns of the real party in interest, and not simply the grievances of the next friend.” *Amerson v. Iowa, Dep’t of Hum. Servs. by Palmer*, 59 F.3d 92, 93 (8th Cir. 1995) (citing 28 U.S.C. §§ 2242, 2254(a); *Whitmore*, 495 U.S. at 163-64).

16. Here, the detainee is unable to prepare, sign, or file this petition because they are held in ICE custody at Bishop Henry Whipple Federal Building without reliable access to legal materials or translation services, and they face pending removal. Petitioner does not speak English and has a limited literacy level, having completed only his elementary schooling. These conditions make meaningful access to the courts impossible absent next-friend intervention.

17. Next friend Cristian Javier Ayavaca Sanchez is Petitioner's brother, has a significant relationship with the Petitioner, and is acting solely in the Petitioner's best interests, not to assert Next Friend's own personal rights or interests. Cristian Javier Ayavaca Sanchez therefore satisfies the requirements for next-friend standing under *Whitmore* and *Amerson*, and this Court has jurisdiction to consider the petition.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

18. Petitioner is a resident of Brooklyn Park, Minnesota and a citizen of Ecuador, and has lived in the United States since approximately 2001.

19. Mr. Ayavaca Sanchez qualifies to apply for asylum and does not have a final order of removal.

20. Petitioner has a 9-month-old U.S. citizen son. He is a devoted and responsible father.

21. Respondent ICE arrested Mr. Ayavaca Sanchez without a warrant on January 22, 2026 as he was leaving a laundromat in the city of Minneapolis, Minnesota.

22. In Mr. Ayavaca Sanchez's case, Petitioner has been brought to IRO IL Paso Camp East Montana Detention Center.

23. Detaining Mr. Ayavaca Sanchez is an expensive and pointless endeavor. Mr. Ayavaca Sanchez respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

24. Pending the adjudication of this Petition, Mr. Ayavaca Sanchez further seeks an order restraining the Respondents from transferring Petitioner to a location outside of the State of Texas, so that the jurisdiction of this Court is not impeded, and so that Petitioner remains accessible to legal counsel and loved ones.

STANDARD OF LAW

25. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The "Great Writ" has been referred to by US Courts as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Way v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). A petitioner may seek a writ of habeas corpus when their custody violates the US Constitution or a federal law. 28 U.S.C. § 2241(c)(3), which should be granted if the petitioner meets their burden of proof—a preponderance of evidence. *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025).

26. Detained immigrants petitioning under 28 U.S.C. § 2241 face no statutory exhaustion requirements. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn.

2025). Nor is a judicially imposed prudential exhaustion requirement appropriate where, as here: time is of the essence, facts are largely undisputed, and the parties' disagreement is based on a legal conclusion. *Id.* at 967-68.

27. Other courts in the Eighth Circuit have similarly declined to require prudential exhaustion when evaluating a detained immigrant's habeas corpus petition under similar circumstances—to address a question of statutory interpretation that does not require developing a factual record, and where the agency is demonstrably unlikely to reverse its course. *Giron Reyes v. Lyons*, 2025 WI 2712427 at 3 (N.D. Iowa Sept. 23, 2025).

28. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

29. In July of 2025, Respondent DIIS began ignoring the decades-long consensus of how 8 U.S.C. § 1225(b)(2) should be interpreted, which the Board of Immigration Appeals (“BIA”) articulated in a subsequent ruling. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025). Respondents suddenly claim that individuals who have been residing within the United States for more than two years are somehow metaphorically “seeking admission,” simply because they may have pending claims for asylum or other forms of status.

30. However, this Court and the majority around the country have made clear that 8 U.S.C. § 1225(b)(2) only authorizes detention for noncitizens who are at the border seeking physical entry at the time of detention, not those whose detention is

discretionary and governed by 8 U.S.C. § 1226(a). *Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJI'), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJI'), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJI'), Doc. No. 16 (D. Minn. Dec. 19, 2025); *Vedat C. v. Bondi*, Civ. No. 25-4642 (JWB/DJI'), Doc. No. 9 (D. Minn. Dec. 19, 2025).

31. Here, Petitioner was apprehended within the United States, not at a border while seeking entry. Respondents as new practice wrongly assert 8 U.S.C. 1225(b)(2) as a basis for detaining Mr. Ayavaca Sanchez without a hearing, when instead any detention could only be pursuant to 8 U.S.C. 1226(a), which here the Respondents are not purporting to invoke.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Respondents are Confining Petitioner without A Valid Legal Basis or any Semblance of Due Process.

32. Petitioner realleges and incorporates by reference the allegations contained above.

33. Mr. Ayavaca Sanchez has due process rights as a person residing in the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

34. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424 U.S. 319 (1976).

The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

35. Here, all three factors favor the petitioner.

36. First, Mr. Ayavaca Sanchez has a significant private interest at stake. A person's interest in freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 ("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."). Mr. Ayavaca Sanchez is wrongfully confined, a direct attack on Petitioner's liberty interests.

37. Second, Mr. Ayavaca Sanchez will continue to be deprived of this interest if the current procedure (detaining Mr. Ayavaca Sanchez without a legal basis) is followed. There is no rational explanation for detaining Mr. Ayavaca Sanchez. Respondents' purported basis for detaining Petitioner under 8 U.S.C. 1225(b)(2) has been rejected time and time again in this court. *Ahmed A v. Bondi*, Case No. 25-4776 (JWB/DJI) (January 6, 2026); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D.

Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LB), 2025 WI. 3641819, at 7–8 (D. Minn. Oct. 20, 2025); *R.E. v. Bondi*, No. 0:25-cv-3946-NLB, 2025 WI. 3146312 (D. Minn. Nov. 4, 2025); *Herrera Avila v. Bondi*, No. 0:25-cv-3741 (JRT), 2025 WI. 2976539 (D. Minn. Oct. 21, 2025).

38. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Mr. Ayavaca Sanchez poses no safety threats to the community. Releasing Petitioner, or at a minimum holding a bond hearing, would in fact *save* the government the resources and expense of continued imprisonment.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)

Petitioner's Ongoing Detention Pursuant to 8 U.S.C. § 1225(b)(2) is Unlawful because Petitioner is not Seeking Admission and therefore cannot be held under that Authority

39. Petitioner realleges and incorporates by reference each and every allegation contained above.

40. Respondents violate the Immigration and Nationality Act by attempting to apply mandatory detention through 8 U.S.C. § 1225(b)(2), to Petitioner. Petitioner was nowhere near the border and was not “seeking admission”

COUNT THREE

Violation of the Administrative Procedure Act, 5 U.S.C. § 706

Detaining Petitioner Pursuant to an Unlawful Interpretation of 8 U.S.C. § 1225(b)(2) violates the Administrative Procedure Act

41. Mr. Ayavaca Sanchez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

42. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

43. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

44. 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 could properly be detained under § 1226(a), but would then be eligible for release on bond unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

45. Nonetheless, the Board has adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.

46. Respondents through its recent administrative decision failed to articulate any reasoned explanations for new interpretation of the Act. The Board’s decision represents a change in the agencies’ policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

47. The application of § 1225(b)(2) to Mr. Ayavaca Sanchez is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

REMEDY

48. An available remedy for Respondents' unlawful conduct as outlined in this complaint is for Petitioner to be released.

49. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Detention here serves no statutory purpose; there is no indication that Petitioner's detention was based on any facts that might indicate that Petitioner should be in custody for some reason.

50. Since Section 1225 does not apply to noncitizens who are in Petitioner's situation- who have been detained while residing within the United States for more than two years, as opposed to those who are detained while in the process of physically entering the United States, the law that Respondents are using to detain Petitioner simply does not apply so as to authorize Petitioner's detention. See *Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJI'), 2025 WI. 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/TJB), 2025 WI. 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJI'), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJI'), Doc. No. 16 (D. Minn. Dec. 19, 2025).

51. When a habeas petitioner's detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the "typical remedy" for "unlawful executive detention").

52. Respondents will no doubt argue, as they have in similar cases before this Court, that if the Court rules that Petitioner should have been detained pursuant to § 1226, instead of § 1225, then the remedy is a bond hearing as opposed to outright release. *See, e.g., Ahmed A.* Civ. No. 25-4776, Doc. No. 9. at 9-10. However, this Court rejected this argument, saying that:

[A] bond hearing presupposes lawful detention authority under § 1226. Where that authority has not been invoked or established, ordering a bond hearing would treat the absence of statutory authority as a mere procedural irregularity rather than a substantive defect ... Where the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings.

Id. at Doc. No. 10 at 6.

53. Here, where detention is unlawfully based on 8 U.S.C. 1225(b)(2), which does not apply to Petitioner, release is an appropriate remedy.

REQUEST FOR ORDER TO SHOW CAUSE

54. Within three days, unless good cause for a delay is shown, "[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

55. Next Friend Cristian Javier Ayavaca Sanchez, on behalf of Petitioner, respectfully requests that the Court issue an Order to Show Cause directing

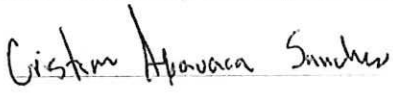
Respondents to file a return within three days of the Court's order, showing cause, if any, why a writ of habeas corpus should not be granted.

PRAYER FOR RELIEF

WHEREFORE, Mr. Ayavaca Sanchez prays that this Court grant the following relief;

- (1) Assume jurisdiction over this matter;
- (2) Enjoin Respondents from transferring Petitioner out of the District of Texas pending the duration of these proceedings;
- (3) Issue an Order requiring Respondents to show cause as to why Petitioner should not be released immediately, or in the alternative, afforded a bond hearing;
- (4) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days
- (5) Issue an Order ordering Respondents to immediately return, upon Petitioner's release, Petitioner's Employment Authorization Document and any other identification document that Respondents seized from Petitioner.
- (6) And Grant any other and further relief that this Court may deem just and proper.

Date: 01/24/2026


Cristian Javier Ayavaca Sanchez

Minneapolis MN 55407
@gmail.com

Next Friend to Petitioner.
Not An Attorney

**Verification by Someone Acting on
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am Petitioner's brother and acting on Petitioner's behalf as a Next Friend. I have personal knowledge of the factual assertions in this petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: January 24, 2026


Claudio Efraim Ayavaca Sanchez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

Claudio Efrain Ayavaca Sanchez,

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v.

Pamela Bondi, Attorney General,

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at Fort Bliss (ERO El Paso Camp East
Montana)

Respondents.

CERTIFICATE OF SERVICE
FOR SERVICE BY MAIL

Case No. Not Yet Assigned

I hereby certify that on January 24, 2026, I caused a copy of the Verified Writ of Habeas Corpus and Civil Cover Sheet to be served by first class mail, postage paid, to the following:

US Attorneys Office
700 E. San Antonio, Suite 200
El Paso, Texas 79901

ERO El Paso Camp East Montana
6920 Digital Road
El Paso, TX 79936

Date: January 24, 2026

Signature: Cristian Ayavaca Sanchez

Printed Name: Cristian Javier Ayavaca Sanchez