

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JESUS ELEAZAR JIMENEZ SANCHEZ,

(A# )

Petitioner,

v.

Case No. 2:26-cv-00169

WARDEN, Glades County Detention Center;
GARRETT RIPA, Field Office Director for U.S.
Immigration and Customs Enforcement, Miami Field
Office; KRISTI NOEM, Secretary of the Department
of Homeland Security; and PAMELA BONDI,
Attorney General of the United States, in their
official capacities,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Jesus Eleazar Jimenez Sanchez, Alien number  a native and citizen of Mexico, challenges his current detention by U.S. Immigration and Customs Enforcement ("ICE") at the Glades County Detention Center located at 1279 EAST SR 78, Moore Haven, Florida 33471, to be an unconstitutional and unjustified deprivation of his physical liberty, and seeks immediate relief from this Court.

2. Petitioner is being harmed by the Respondents' policy which incorrectly interprets the Immigration and Nationality Act to require mandatory detention and strips immigration judges of the jurisdiction to grant bond under the Immigration and Nationality Act (INA), 8 U.S.C. § 1226(a), and for bond hearings under 8 C.F.R. § 1003.19(a), 1236.1(d). Respondents are arguing that pursuant to their new policy, Petitioner is subject to mandatory detention under

8 U.S.C. § 1225(b)(2)(A), without the opportunity for release on bond during the pendency of the lengthy removal proceedings.

3. Petitioner seeks enforcement of his rights as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

4. Petitioner has been present in the United States for 3 years. He has no criminal convictions in the United States.

5. Petitioner's continued detention violates the plain language of the INA and its implementing regulations.

JURISDICTION AND VENUE

6. Petitioner is detained at the Glades County Detention Center in Moore Haven, Florida.

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

8. This Court has subject matter jurisdiction under Article 1, § 9, cl. 2 of the United States Constitution (Suspension Clause), 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1331 (federal question).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

10. Venue is proper because Petitioner is currently detained at Glades County Detention Center in Moore Haven, Florida, which is within the jurisdiction of this District.

PARTIES

11. Petitioner, Jesus Eleazar Jimenez Sanchez, is a noncitizen currently detained at Glades County Detention Center in Moore Haven, Florida, pending removal proceedings. Petitioner is in the custody, and under direct control, of Respondent and their agents.

12. Respondent the Warden is sued in their official capacity as the Warden of the Glades County Detention Center, responsible for overseeing the facility in which the Petitioner is confined. Respondent the Warden is a legal custodian of Petitioner and has authority to release him.

13. Respondent Garrett Ripa is sued in his official capacity as the Director of the ICE Miami Field Office, and is responsible for ICE's operations throughout the State of Florida, including facilities such as the Glades County Detention Center. Respondent Garrett Ripa is a legal custodian of Petitioner and has authority to release him.

14. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). Respondent Kristi Noem is responsible for the administration and enforcement of immigration laws. 8 U.S.C. § 1103(a).

15. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice (DOJ). 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 Appeal (BIA).

STATEMENT OF FACTS

16. Petitioner is a native and citizen of Mexico. He entered the United States on or about 2022.

17. Petitioner was not inspected, admitted, or paroled when he entered on 2022. Petitioner has resided in the United States since 2022.

18. On or about January 10, 2026, Petitioner was arrested in Florida, for a minor traffic violation and was ultimately transferred into ICE custody to the Glades County Detention Center in Moore Haven, Florida.

19. He remains in ICE custody at the Glades County Detention Center in Moore Haven, Florida. Ex. A, ICE detainee locator search on January 28, 2026, at 1.

20. Petitioner is allegedly being charged as an alien present in the United States who has not been admitted or paroled.

21. Currently, noncitizens like the Petitioner are being denied bond by Immigration Judges based on a lack of jurisdiction to conduct a custody redetermination, because they entered without inspection and under the BIA decision on *Matter of Yajure Hurtado*, they are subject to mandatory detention under 8 U.S.C. §1225(b)(2).

22. Any appeal to the Board of Immigration Appeals is futile.

23. Despite 3 years in the United States, Petitioner is being subjected to mandatory detention until his removal proceedings are concluded under 8 U.S.C. §1225(b)(2).

LEGAL FRAMEWORK

24. 8 U.S.C. §1226(a) authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. *See* 8 U.S.C. §1229. Individuals in detention under §1226(a) are entitled to a bond hearing at the outset of their detention. *See* 8 C.F.R. §1003.19(a), 1236.1(d).

25. The INA also provides for mandatory detention for classes of noncitizens subject to expedited removal under 8 U.S.C. §1225(b)(1) and for other arrivals seeking admission pursuant to 8 U.S.C. §1225(b)(2).

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

27. 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).

28. Following 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).

29. Under § 1225(b)(2), “in the case of an alien who is an *applicant for admission*, if the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained.” 8 U.S.C. § 1225(b)(2) (emphasis added). By contrast, an alien arrested on a warrant issued by the Attorney General may be detained but is also eligible for release on bond. 8 U.S.C. § 1226(a). Courts have repeatedly held that § 1225 applies to arriving aliens, while § 1226 governs detention of “aliens already in the country.” *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018).

30. Thus, in the decades that followed, most people who entered without inspection—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 § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

31. Respondents’ new policy turns this well-established understanding on its heads and violates the statutory scheme.

32. Indeed, this legal theory that noncitizens who entered the United States without admission or parole are ineligible for bond hearings was already 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 § 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).

33. Despite this finding from a federal court, on July 8, 2025, Immigration and Customs Enforcement (“ICE”), “in coordination with the Department of Justice (“DOJ”),” announced that they were rejecting the well-established precedential understanding of § 1225(b)(2) for their own new interpretation.

34. The policy is titled “Interim Guidance Regarding the Detention Authority for Applicant’s for Admission,” and claims that under their new legal interpretation, an “applicant for admission” is any noncitizen who was not admitted or who arrives in the United States, and as such they are subject to mandatory detention under § 1225(b)(2), are ineligible for a custody redetermination before an Immigration Judge, and are subject to mandatory detention for the duration of their removal proceedings.

35. Numerous district courts have disagreed with the government's new interpretation of § 1225(b)(2) and have found that § 1226(a), not § 1225(b)(2), governs the detention of noncitizens who entered the United States without admission or parole and have entered without inspection. See *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); see also *Martinez v. Hyde*, — F. Supp. 3d —, 2025 WL 2084238 (D. Mass. July 24, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025); *Caicedo Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025).

36. On September 5, 2025, the BIA issued a decision in *Matte of Yajure Hurtado* where it held that noncitizens who are present in the United States without having been inspected and admitted are subject to detention under § 1225(b)(2), not § 1226(a), and Immigration Judges lack jurisdiction to conduct custody redetermination for such noncitizens being subjected to mandatory detention. *Matte of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

37. This is now a widespread position being applied across the United States by immigration courts.

38. This interpretation defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to noncitizens like Petitioner. *See Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting the court’s disagreement with the BIA’s analysis in *Yajure Hurtado*); *see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).

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

40. The text of § 1226 also explicitly applies to noncitizens 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 individuals makes clear that, by default, these noncitizens are afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to noncitizens who face charges of being inadmissible to the United States, including those who are present without admission or parole.

41. By contrast, § 1225(b) applies to noncitizens 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 noncitizens who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A).

42. The Supreme Court has made clear that “[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority,” and indeed “may not defer to an agency interpretation of the law simply because a statute is ambiguous.” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). The text of Sections 1225 and

1226, together with binding Supreme Court precedent interpreting those provisions, confirm that Petitioner is subject to Section 1226(a)'s discretionary detention scheme.

43. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to noncitizens like Petitioner who are alleged to have entered the United States without admission or parole, were not inspected and have resided in the United States for 3 years.

44. Additionally, on November 20, 2025, in *Maldonado Bautista v. Santacruz*, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, 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, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

45. The declaratory judgment held that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

46. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that noncitizens, like the Petitioners, be denied the opportunity to be released on bond.

47. On December 18, 2025, the Court issued a Clarification Order indicating that Section 1226(a) is the appropriate governing authority over noncitizens detention when they entered the United States without inspection, were not apprehended upon arrival, and are not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. *Maldonado Bautista*, 2025 WL 3289861. The interpretation in *Yajure-Hurtado*, 29 I. & N. Dec. 216, which contradicts the Court's reasoning was deemed to be no longer controlling. *Id.* The Court rejected an interpretation of the INA, which subjected Petitioners and those similarly situated to mandatory detention as said interpretation runs counter to the plain language of the INA, foundational principles of statutory interpretation, and the INA's statutory scheme. *Id.* In doing so, the Court found the DHS policy unlawful and vacated the DHS policy contrary to law. *Id.*

48. Petitioner, Jesus Eleazar Jimenez Sanchez, is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Glades County Detention Center in Moore Haven, Florida. He was apprehended by immigration authorities in Florida on or about January 10, 2026;
- b. entered the United States without inspection over 3 years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

49. After apprehending Petitioner on or about January 10, 2026, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

50. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

51. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

52. Said instructions were further confirmed on January 13, 2026, by Chief Immigration Judge Teresa L. Riley, in a guidance issued to all Immigration judges. In said guidance, the Chief Immigration Judge indicated that *Yajure Hurtado* remains binding precedent on agency adjudications because *Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay, or enjoy *Yajure Hurtado*.

53. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

54. Alternatively, the Court should order Petitioner’s release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

CLAIMS FOR RELIEF

COUNT I

Violation of 8 U.S.C. § 1226(a)

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

56. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility, who entered the United States without apprehension and were later placed in removal proceedings. Such noncitizens are detained under § 1226(a) and are eligible for release on bond, unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

57. The application of § 1225(b)(2) to bar the Petitioner from receiving a bond redetermination hearing before an immigration judge violates the Immigration and Nationality Act.

COUNT II

Violation of the Administrative Procedure Act

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

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

60. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. If applied to all noncitizens it would make the rest of the mandatory detention provisions, bond provision, and parole provisions unnecessary. Noncitizens who entered the United States without inspection

or parole are detained under § 1226(a) and are eligible for release on bond, unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

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

COUNT III

Violation of the Fifth Amendment Due Process Clause

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

63. 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. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

64. The Due Process Clause “applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693.

65. Respondents’ mandatory detention of Petitioner violates his Due Process rights.

66. Respondents have not attempted to show any special justification or compelling governmental interest which would outweigh Petitioner’s constitutional liberty.

67. Petitioner’s continued detention without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his substantive due process rights.

COUNT IV

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

69. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

70. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

71. The order granting class certification in *Maldonado Bautista* further orders that “[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.”

72. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

73. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;

- b. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
- c. Issue an order to show cause directing Respondents to show cause why the petition for a writ of habeas corpus should not be granted;
- d. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner from custody;
- e. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner from custody unless they provide Petitioner with a bond redetermination hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days;
- f. Declare that Petitioner's detention violates the INA, APA, and Due Process Clause of the Fifth Amendment; and
- g. Grant any other and further relief this Court deems just and proper.

Dated: January 28, 2026

Respectfully submitted,

/s/ Mirtha Garcia Alvarez
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Attorney for Petitioner

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

I represent Petitioner, Jesus Eleazar Jimenez Sanchez. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 28, 2026

Respectfully submitted,

/s/ Mirtha Garcia Alvarez
Mirtha Garcia Alvarez, Esq.

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Mirtha Garcia Alvarez, hereby certify that the foregoing Petition for Writ of Habeas Corpus and accompanying exhibit were served on counsel for all parties through the Court's CM/ECF system.

Dated: January 28, 2026

Respectfully submitted,

/s/ Mirtha Garcia Alvarez
Mirtha Garcia Alvarez, Esq.

Attorney for Petitioner