

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOSE BARRIOS-MARTINEZ
METJAYI SOSA-MORALES
M.B.S.

Petitioners-Plaintiff,
v.

PAMBONDI,
United States Attorney General;

KRISTI LYNN NOEM,
Secretary of the United States
Department of Homeland Security;

TODD M. LYONS,
Director of United States
Immigration and Customs Enforcement;

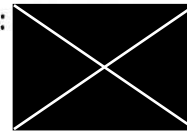
SYLVESTER ORTEGA
Acting Field Office Director
for Detention and Removal, U.S.
Immigration and Customs Enforcement,

Warden,
Dilley Immigration Processing Center;

Respondents-Defendants.

Civ. No. 5:26-cv-00493

DHS File Number:



COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF; PETITION
FOR HABEAS CORPUS UNDER 28
U.S.C. § 2241

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PRELIMINARY STATEMENT

This petition challenges the unlawful detention of Petitioners Metjayi SOSA-MORALES, her husband Jose BARRIOS-MARTINEZ and their minor child M.B.S., who entered the United States on or about October 30, 2023. On or about December 31, 2025, Petitioners were detained as a family by immigration officials after appearing for a scheduled immigration appointment with ICE and were informed that they were under arrest for illegal border crossing, despite being released on their own recognizance since November of 2023. Petitioners have since been held at the Dilley Immigration Processing Center, Dilley Texas, without a bond hearing. *See* Exh. 1, ICE Locator Search Results. The Department of Homeland Security (“DHS”) asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), despite Congress’s separate detention framework in 8 U.S.C. § 1226(a), which governs interior arrests and provides discretionary bond and immigration-judge (“IJ”) review.

DHS’s novel position—recently endorsed in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 220 (B.I.A. 2025)—contradicts the Immigration and Nationality Act’s (INA) text, the canon against surplusage, longstanding administrative practice, and Due Process. It effectively erases section 236(a) of the INA, collapses Congress’s dual-track detention scheme, and imposes categorical detention on long-time residents like Metjayi SOSA-MORALES, Jose BARRIOS MARTINEZ, and M.B.S. who presents no danger and is not a flight risk. **On November 2, 2023, they were Order of Released on Recognizance.**

The human consequences of Petitioners’ continued detention are immediate and severe. Metjayi Sosa-Morales and Jose Barrios-Martinez are experiencing significant emotional distress as a result of the conditions of their confinement, which exacerbate pre-existing trauma stemming from [REDACTED]. During their detention at the Dilley Immigration Processing Center, the family has been forcibly separated. **Mr. Barrios-Martinez is housed primarily in the adult male pod and is permitted only limited daily contact with his wife and their nine-year-old child. Their eldest daughter, age eighteen, has been completely separated from the family and placed in the adult female pod.** She is a senior in high school and has suffered emotional harm due to prolonged separation and reported incidents of violence within the detention facility. Petitioners’ continued detention has also imposed severe financial hardship, as

they have been unable to meet basic financial obligations, including rent, utilities, and car payments, placing them at imminent risk of losing the stability they have worked to establish since arriving in the United States.

The human consequences are immediate and severe. M.B.S. is distressed due to detention conditions, and lack of access to education. **M.B.S. is in fear that he may lose the academic year. M.B.S. although nine years old, has experienced significant emotional distress and anxiety attacks associated with family separation and detention. He cries daily, missing his home, friends and school.**

The Petitioner's, Jose BARRIOS-MARTINEZ, Metjayi SOSA-MORALES, and M.B.S., respectfully petitions this Honorable Court for a Writ of Habeas Corpus to remedy Petitioner's unlawful detention and attempted removal from the United States by Respondents.

I. INTRODUCTION

1. Petitioners, Jose BARRIOS-MARTINEZ, Metjayi SOSA-MORALES are in physical custody of Respondents at the Dilley Immigration Processing Center. They now face unlawful detention because the Department of Homeland Security (DHS), in direct collaboration with the adjudicative body with jurisdiction over immigrants (the Executive Office of Immigration Review) (EOIR) have concluded Petitioner is subject to mandatory detention. Petitioners were born in Venezuela and entered the United States on or about October 30, 2023. They entered the U.S. without inspection and were briefly detained by Department of Homeland Security ("DHS"). They were released on November 02, 2023, on their own recognizance and under an order of supervision. The family have been following the requirements of their supervision conditions. **Exhibit A, Order of Recognizance**
2. Petitioners were released by DHS and served with a Notice to Appear ("NTA"), which designated them as "an alien present in the United States who has not been admitted or paroled" and charged his with removability pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA") as an "alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General." **Exhibit 5, Notice to Appear.**

3. Following Petitioners' release, Metjayi SOSA-MORALES timely filed a Form I-589, Application for Asylum with the immigration court, on which Petitioner Jose BARRIOS-MARTINEZ and M.B.S are derivatives. On or about December 31, 2025, Petitioners were detained by Immigration and Customs Enforcement ("ICE") at a routine ICE check-in in San Antonio, Texas. They are now being detained by ICE at the Dilley Immigration Processing Center.
4. Petitioners are subject to pre-final order of removal detention under 8 U.S.C. § 1226(a). Noncitizens detained under section 1226(a) are subject to discretionary detention and can request a change in custody redetermination (i.e. bond hearing) with an Immigration Judge ("IJ").
5. However, on July 8, 2025, DHS issued an internal Interim Guidance ("Policy") that took the baseless position that—contrary to statutory principles and governing case law—noncitizens like Petitioner who entered the United States without permission or parole are subject to mandatory detention under 8 U.S.C. § 1225(b) instead of discretionary detention under section 1226(a). On September 5, 2025, the Board of Immigration Appeals ("BIA") issued a decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) that sided with DHS' position.
6. DHS's contention that Petitioners are subject to mandatory detention under 8 U.S.C. § 1225(b) is without merit. DHS's policy has upended decades of DHS's own interpretation of bond eligibility under sections 1226(a) and 1225(b). The vast majority of district courts across the country that have addressed this issue have rejected DHS's arguments and found that it violates the INA and noncitizens' due process rights.
7. This Court can waive the exhaustion requirement under 28 U.S.C. section 2241, since administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void. *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) See **Exhibit 9**.
8. For the foregoing reasons, the Court should grant habeas relief and direct Respondents to

release Petitioners.

II. JURISDICTION AND VENUE

8. Petitioners are detained in civil immigration custody in Frio County at the Dilley Immigration Processing Center, Dilley, Texas. They have been detained since or about, December 31, 2025. None of them have a criminal record or convictions.
9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*
10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and where applicable Article I § 9, cl. 2 of the United States Constitution (Suspension Clause). 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.
11. Petitioners join together in this single action as their claim arise out of the same occurrences and the question of law or fact is common to all Petitioners; this joinder is permissible and allowed under Rule 20(a)(1) of the Federal Rules of Civil Procedure.
12. Venue is proper in the Western District of Texas, San Antonio Division, under 28 U.S.C. § 1391, because Petitioners are detained in this District and a substantial part of the events giving rise to the claims in this action took place in this District. Venue is also proper under 28 U.S.C. § 2243 because the immediate custodians of Petitioners reside in this District.

III. REQUIREMENTS OF 28 U.S.C. § 2243, Writ of Habeas Corpus Issuance, Return, Hearing, and Decision

13. 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, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
14. 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 writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time. *Rhueark v. Wade*, 540 F. 2d 1282, 1283 (5th Cir. 1976); *Jones v. Hell*, 572 F.2d 1278, 1280 (8th Cir. 1978). Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justice.

IV. PARTIES

14. Petitioner, METJAYI SOSA-MORALES is a citizen of Venezuela who has been in immigration detention since the 31st of December 2025. After arresting Petitioner and her family at her check-in in San Antonio, Texas and transferring them to Dilley Immigration Processing Center, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this erroneous decision, it would be futile for Petitioner to apply to EOIR without the intervention of this honorable Court.

15. Petitioner, JOSE BARRIOS-MARTINEZ is a citizen of Venezuela who has been in immigration detention since the 31st of December 2025. After arresting Petitioner and his family at his check-in in San Antonio, Texas and transferring his to Dilley Immigration Processing Center, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this erroneous decision, it would be futile for Petitioner to apply to EOIR without the intervention of this honorable Court.

16. Petitioner, M.B.S. is a citizen of Venezuela who has been in immigration detention since the 31st of December 2025. He is nine years old. After arresting Petitioner and his family at his check-in in San Antonio, Texas and transferring his to Dilley Immigration Processing Center, ICE did not set bond and Petitioner is unable to obtain review of his

custody by an IJ, pursuant to the Board's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this erroneous decision, it would be futile for Petitioner to apply to EOIR without the intervention of this honorable Court.

17. Respondent Pamela Bondi is named in their official capacity as the U.S. She is responsible for the administration and policy of the immigration courts, which resulted in the denying of this noncitizen's attempt to seek a custody redetermination from the U.S. Department of Justice under 8 C.F.R. §1003.19.
18. Respondent Kristi Noem is named in their official capacity as the Secretary of U.S. Department of Homeland Security. DHS is a department of the executive branch of the U.S. government that is tasked with, among other things, administering and enforcing the federal immigration laws. Secretary Noem is ultimately responsible for the actions of ICE; specifically, they are responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a). Secretary Noem is legally responsible for the Office of the Principle Legal Advisor of ICE, and in any effort to detain and remove the Petitioner and as such is a legal custodian of Petitioner.
19. Respondent Todd M. Lyons is named in their official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. ICE is the agency within DHS that is specifically responsible for managing all aspects of the immigration enforcement process, including immigration detention. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States and as such Acting Director Lyons is a legal custodian of Petitioner.
20. Respondent Sylvester Ortega is named in their official capacity as the Acting Field Office Director for the San Antonio Field Office of ICE. Director Ortega is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures. Director Ortega is a legal custodian of Petitioner.
21. Respondent Jose Rodriguez, Jr., Warden and or Administrator of the Dilley Immigration Processing Center. They have immediate physical custody of Petitioner pursuant to an

agreement with ICE to detain noncitizens and is a legal custodian of Petitioner.

V. FACTUAL ALLEGATIONS

20. Petitioners have resided in the United States since October 30, 2023, and currently resides physically in Dilley, Texas, where they are detained.
21. Upon their entry into the United States, the DHS released respondent into the country with an I-220A form *Order of Release on Recognizance*, or “OREC,” which found that Respondent was detained and released under INA 236, formally documenting that he was arrested, placed in removal proceedings, and released pursuant to INA § 236. See **Exhibit 1**, Form I-220A Order of Release on Recognizance (OREC). The OREC expressly states that respondent’s release was conditioned on compliance with § 236 and related regulations. *Id.*
22. The DHS filed a Notice to Appear (NTA) with EOIR alleging that Petitioner entered the United States without inspection. See **Exhibit 5**, Form I-862, Notice to Appear.
23. Petitioner, Metjayi SOSA-MORALES timely filed his form I-589, application for asylum with the San Antonio Immigration Court on July 22, 2024, Petitioner Jose BARRIOS-MARTINEZ, and M.B.S. are derivatives of her application. Their hearing was scheduled for a non-detained master hearing for December 11, 2026.
24. On or about December 31, 2025, in San Antonio, Texas, Petitioners were arrested when they appeared as a family unit for a scheduled check-in with immigration authorities. ICE transferred them to the Dilley Immigration Processing Center, where he remains detained.
25. METJAYI has inflicted profound harm on her family. On December 31, 2025, Metjayi was detained with her family after appearing for a scheduled immigration appointment with ICE and was informed that they were under arrest for Illegal border crossing, despite being released on their own recognizance since November 02, 2023. Metjayi together with her family has complied with all supervision requirements imposed by

DHS after their release, including face recognition application, personal check-ins at the ICE officers and phone calls

26. M.B.S.'s detention has inflicted profound harm on his family. On December 31, 2025, M.B.S. was detained with his family after appearing for a scheduled immigration appointment with ICE and was informed that they were under arrest for illegal border crossing, despite being released on their own recognizance since November 02, 2023. M.B.S., together with his family has complied with all supervision requirements imposed by DHS after their release, including face recognition application, personal check-ins at the ICE offices and phone calls.

27. Jose has inflicted profound harm on her family. On December 31, 2025, Jose was detained with his family after appearing for a scheduled immigration appointment with ICE and was informed that they were under arrest for Illegal border crossing, despite being released on their own recognizance since November 02, 2023. Jose together with his family has complied with all supervision requirements imposed by DHS after their release, including face recognition application, personal check-ins at the ICE officers and phone calls.

28. M.B.S. is nine years old, a third-grade student at [REDACTED] in [REDACTED]. In school he has shown himself to be a good and disciplined student that his teachers vouch for. Pursuant to *Matter of Yajure Hurtado*, no immigration judge is able to consider Petitioner's bond request, see 29 I&N Dec. 216, and their unlawful detention cannot be litigated before that BIA, who--as the Lyons memorandum implies--was involved with the DHS's July 8, 2025 decision to make its reading an agency policy -- and who is a party to these contested proceedings -- to adopt the DHS's position wholesale, because such efforts would be futile. See Lyons ICE Memorandum, available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-adchildion> (last checked December 9, 2025).

29. This Court can waive the exhaustion requirement under 28 U.S.C. section 2241, since administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void. *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) See

Exhibit 9.

30. As a result, Petitioners remains in detention. Without relief from this court, they face the prospect of months, or even years, in immigration custody, separated from his family and community.

VI. LEGAL FRAMEWORK: Due Process Clause

28. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.
29. 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).
30. 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).
31. 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).
32. The detention provisions at section 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(c) was most recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3 (2025).
33. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered

detained under section 1225 and that they were instead detained under section 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). In the decades that followed, most noncitizens who entered without inspection—unless they were subject to some other detention authority—received bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA, 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 section 1226(a) simply “restates” the detention authority previously found at section 1252(a)).

34. As a result of the Lyons ICE July 8, 2025, Memorandum cited above, DHS now considers *all* noncitizens who have entered the United States without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents, to be subject to mandatory detention under section 1225(b) and ineligible for release on bond. Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*
35. On September 5, 2025, the BIA issued a decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) holding that, based on the plain language of section 1225(b)(2)(A), IJs lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.
36. As a result of the Lyons ICE July 8, 2025 Memorandum cited above, DHS now considers *all* noncitizens who have entered the United States without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents, to be subject to mandatory detention under section 1225(b) and ineligible for release on bond. Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. §

1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*

37. On September 5, 2025, the BIA issued a decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) holding that, based on the plain language of section 1225(b)(2)(A), IJs lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.

VII. ARGUMENT

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

39. 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).

40. 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).

41. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at

229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

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

43. 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.

44. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission, claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A).

The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades. (“Todd M. Lyons memo”).

45. On September 5, 2025, the BIA adopted the same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings. 29 I&N Dec. 216 (BIA 2025).
46. Since Respondents adopted their new policies, a wave of federal courts has rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same new reading of the statute as ICE.²
47. Recently, on October 10, 2025, and since after, judges in this district have rejected the Respondents argument that § 1225 applied as opposed to § 1226 and have granted relief or a temporary restraining order ordering the release of the Petitioner on bond and enjoining them from re-detaining the Petitioner without notice and a pre-deprivation hearing. See e.g., *Pereira-Verdi v. Lyons*, No. 5:25-CV-01187 (W.D. Tex. Oct. 10, 2025).
48. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).
49. A growing number of federal courts have rejected ICE and EOIR’s expanded interpretation of the Immigration and Nationality Act’s detention provisions. These courts have consistently held that § 1226(a), not § 1225(b)(2), governs the detention authority applicable in these cases. For example, courts in Arizona, California, Iowa, Kentucky, Louisiana, Michigan, Minnesota, New York, New Jersey, Nebraska, Texas,

and Washington have reached this conclusion. *See e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *9 (D. Mass. July 7, 2025); *Rosado v. Figueroa*, No. CV 25- 02157 PHX DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted sub nom. *Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH) (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE (D. Minn. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM (D. Mass. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF (N.D. Cal. Aug. 21, 2025); *Palma Quintero v. Berg*, No. 8:25CV494 (D. Neb. Sept. 3, 2025); *Buenrostro-Mendez v. Bondi, et al.*, No. CV H-25-3726, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025); *Padron-Covarrubias v. Vergara*, 5:25-cv-00112, (S.D. Tex. October 8, 2025); *Santiago-Santiago v. Bondi*, EP-25- CV-361-KC, 2025 WL 2792588, (W.D. Tex. Oct. 2, 2025); *Cardin-Alvarez v. Rivas*, CV 25-02943 PHX GMS (CDB), 2025 WL 2898389 (D. Az. Oct. 7, 2025).

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

51. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioners.

52. Indeed, according to the I-220A, Release on Recognizance document issued to Respondents upon their encounter with Government officials, as well as the DHS's own factual allegations contained in the Notice to Appear, the DHS themselves determined that Petitioners had entered the U.S. under the INA and thus falls under § 1226(a), not § 1225(b). Exhibit 5, NTA.

53. 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]."

54. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025 WL 1869299, at *7.
55. 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.
56. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States and were not free to mingle with the general population after being free from official restraint. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
57. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioners, who were encountered at the border and released after a quasi-judicial determination by an immigration official on a form I-220A that Respondents fall under the discretionary arrest provision of § 1226(a) as an uninspected entrant. The Government’s own issuance of an I-220A placing Petitioner in custody under 8 U.S.C. § 1226(a) reflects a discretionary, fact-based determination that Petitioner was not subject to mandatory detention under § 1225(b)(2)(A). This quasi-judicial decision was made by DHS at the outset of proceedings, based on the facts available to both parties and Petitioners own admissions. Critically, DHS itself alleged in the Notice to Appear that Petitioners “entered the United States without inspection and without parole or

lawful admission,” a factual assertion that squarely contradicts the Government’s current position—adopted wholesale by the Board of Immigration Appeals—that Petitioners are ineligible to apply for bond before EOIR. This reversal undermines the integrity of the adjudicative process and triggers the principles of issue preclusion recognized in *B&B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138 (2015), which require courts to respect agency determinations when the ordinary elements of preclusion are met.

58. It has been the settled practice for decades for immigration officials to issue an I-220A, or an Order of Release on Recognizance, to those who encounter immigration officials at or near the border. The issuance of an I-220A under § 236 is not a ministerial act but a formal adjudication of custody status, reflecting DHS’s determination that the individual falls under the discretionary detention framework of § 236 rather than the mandatory detention provisions of § 235(b). The Supreme Court has “long favored application of the common law doctrines of collateral estoppel (as to issues) and res judicata (as to claims) to those determinations of administrative bodies that have attained finality.” *Astoria Fed. Sav. & Loan Ass’n v. Solimino*, 501 U.S. 104, 108 (1991) (citing *United States v. Utah Constr. & Mining Co.*, 384 U.S. 394, 422 (1966)). As the Court explained in *Utah Construction*, “[w]hen an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, the courts have not hesitated to apply res judicata to enforce repose.” 384 U.S. at 422. This presumption applies because “Congress is understood to legislate against a background of common-law adjudicatory principles.” *Astoria*, 501 U.S. at 108 (citing *Briscoe v. LaHue*, 460 U.S. 325 (1983); *Isbrandtsen Co. v. Johnson*, 343 U.S. 779, 783 (1952)). Accordingly, DHS’s prior § 236 determination—memorialized in the I-220A— constitutes a binding judgment for purposes of collateral estoppel and cannot be disturbed absent materially changed circumstances or new facts.

PETITIONERS’ POSITION ON MALDONADO-BAUTISTA CLASS ACTION

59. Nor do Petitioners believe the impact of *Lazaro Maldonado Bautista et al v. Ernesto*

Santacruz Jr, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) affect this Court's ability to grant the immediate relief he seeks of an order of release from detention. If that litigation did affect it, Petitioners urge this Court to find that they are a class member and to defer to the district court's statutory analysis in that case—but further submits that the declaratory judgement there does not moot their claims nor necessitate that they administratively exhaust their remedies before the immigration court. Despite the *Maldonado Bautista* decision, exhaustion remains futile. Since the decision there was issued, Respondents have instructed immigration judges not to apply the decision to class members, since the nationwide relief was only declaratory. As a result, immigration judges are continuing to deny bond to individuals like Petitioner around the country and in the San Antonio area. Moreover, even were the *Maldonado Bautista* being implemented in practice, which it is not, *Maldonado Bautista* does not dispose of Petitioner's due-process claims nor settle the question of appropriate remedy.

60. For those reasons, Petitioners urge the Court to order his immediate release.

Maldonado Bautista

61. *Maldonado Bautista v. Santacruz* is a class-action case brought pursuant to the bond statute and regulations and the Administrative Procedure Act, not the federal habeas statute.³ 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 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*, 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 bond class certified is defined as: 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 second prong of this definition is subject to some dispute: class counsel believes that the relevant apprehension is the most *recent* apprehension (which for Petitioners Mejayi SOSA-MORALES, Jose BARRIOS-SOSA, and M.B.S. would mean their apprehension in December 2025), but Respondents have argued that the definition excludes entrants without inspection *initially* apprehended shortly after crossing the border. The declaratory judgment held that the Bond Denial 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. 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).⁴

62. But since that declaratory judgment, Respondents have instructed Immigration Judges *not* to comply with the ruling and not to find entrants without inspection are eligible for bond. This appears to stem from their interpretation of the decision as non-final and improper.

63. Petitioners submit that they are a member of the *Maldonado Bautista* bond class. But they also do not think the questions of their class membership nor even the binding nature of *Maldonado Bautista* is necessary to the resolution of this case. To the extent the Court disagrees that they are a class member, or concurs with Respondents’ erroneous contention that the *Maldonado Bautista* decision does not in fact order nationwide declaratory relief, they nonetheless urge the Court to follow the reasoning in *Maldonado Bautista*—and hundreds of other courts nationwide—as to the authority for their detention.

VIII. CLAIMS FOR RELIEF

COUNT 1

Violation of the INA

64. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.
65. 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 received an I-220A and who were subsequently accused by DHS of having “entered” the United States. Those actions by DHS, followed by the Petitioner’s concession to those charges before EOIR, represent a quasi-judicial determination by an agency which precludes further litigation of the issue unless new, material, and previously unavailable facts emerge. Such noncitizens continue to be detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.
66. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates the INA.

COUNT II

Violation of the Bond Regulations

67. Petitioners incorporate by reference the allegations of fact set forth in preceding paragraphs.
68. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were

eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

69. Nonetheless, pursuant to *Matter of Yajure Hurtado*, both EOIR as well as ICE have a policy and practice of applying § 1225(b)(2) to individual like Petitioner.

70. 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.

71. This Court can waive the exhaustion requirement under 28 U.S.C. section 2241, since administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void. *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) See exhibit 6 (attached affidavit of exhaustion by attorney).

COUNT III

Violation of Due Process

72. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

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

74. By statute and regulation, as interpreted by the Board of Immigration Appeals (BIA), ICE has the authority to re-arrest a noncitizen and revoke their bond, only where there has been a change in circumstances since the individual’s release. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9); *Matter of Sugay*, 17 I&N Dec. 647, 640 (BIA 1981). The government has further clarified in litigation that any change in circumstances must be “material.” *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff’d sub*

nom. Saravia for *A.H. v. Sessions*, 905 F.3d 1137 (9th Cir.2018) (emphasis added). That authority, however, is proscribed by the Due Process Clause because it is well-established that individuals released from incarceration have a liberty interest in their freedom.

75. At a minimum, in order to lawfully re-arrest Mejayi SOSA-MORALES, Jose BARRIOS-SOSA, and M.B.S., the government must first establish, by clear and convincing evidence and before a neutral decision-maker, that they are a danger to the community or a flight risk, such that their re-incarceration is necessary. ICE's re-arrest of Mejayi SOSA-MORALES, Jose BARRIOS-SOSA, and M.B.S. on December 31, 2025, violated these regulations, laws, and due process.

76. Petitioners have a fundamental interest in liberty and being free from official restraint.

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

78. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as follows: First, the private interest that will be affected by the official action; [S]econd, 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; [Third], the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 335.

79. As to the private interest factor, it is the "most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner "has perhaps the most acute private interest known to personkind short of life itself: bodily freedom." *Leal-Hernandez v. Noem*, No. 1:25- cv-02428, 2025 LX 327685, at *34 (D. Md. Aug. 24, 2025).

80. With respect to the second factor, erroneous deprivation of Petitioner's liberty is at

risk. Petitioner is not subject to detention under 8 U.S.C. § 1225(b) as DHS claims.

81. As to the third factor, there is no significant governmental interest in continuing to hold Petitioner in custody.

Judicial Estoppel

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

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

IX. PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the Western District of Texas while this habeas petition is pending;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition

should not be granted within three days;

- (4) Issue a Writ of Habeas Corpus requiring that Respondents release Petitioners within three days;
- (5) Declare that Petitioners detention is unlawful;
- (6) Grant the writ of habeas corpus ordering Respondents to release Mejayi SOSA-MORALES, Jose BARRIOS-SOSA, and M.B.S. on their own recognizance, parole, or reasonable conditions of supervision;
- (7) Award the Petitioners reasonable costs and attorneys' fees under the Equal Access to Justice Act, as amended, 28 U.S.C. §2412; undersigned counsel recognizes the Fifth Circuit's decision in *Barco v. Witte*, 65 F.4th 782 (5th Cir. 2023) ruling that fees are not available to be awarded in 28 U.S.C. § 2241. Nonetheless, the issue is ripe for redetermination at the Fifth Circuit. At least two Circuit Courts and two district courts have disagreed with *Barco*. See *Vacchio v. Ashcroft*, 404 F.3d 663, 670-72 (2d Cir. 2005); *In re Petition of Hill*, 775 F.2d 1037, 1040-41 (9th Cir. 1985); *Abioye v. Oddo*, 2024 U.S. Dist. LEXIS 174205 (W. D. Penn. 2024); *Arias v. Choate*, 2023 U.S. Dist. LEXIS 119907 (Dist. Colo. 2023). Given ICE's recent actions in detaining individuals without substantial justification, EAJA fees are needed to ensure attorneys can confront detention that is unconstitutional.
- (8) Grant any other and further relief that this Court deems just and proper.

DATED this 28th of January, 2026

A handwritten signature in black ink, appearing to read 'Iris A. Albizu Rivera', is positioned above the printed name and contact information.

Iris A. Albizu Rivera (TX Bar #24082611)

P.O. Box 202943

Austin TX 78720

Telephone: (512) 861-5638

Facsimile: (866) 584-6996

Email: iris@albizulaw.com

Attorney for Petition

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

I represent Petitioner, Mejayi SOSA-MORALES, Jose BARRIOS-SOSA, and M.B.S.

I hereby verify that the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 28th day of January 2026.



Iris A. Albizu Rivera (TX Bar #24082611)

P.O. Box 202943

Austin TX 78720

Telephone: (512) 861-5638

Facsimile: (866) 584-6996

Email: iris@albizulaw.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying exhibits to be served by certified mail, return receipt requested, on the following:

U.S. Attorney's Office for the Western District of Texas
Attn: Stephanie Rico | Civil Process Clerk
601 N.W. Loop 410, Suite 600 San Antonio, TX 78216

Jose Rodriguez, Jr.
Administrator, Dilley Immigration Processing Center
300 El Rancho Way,
Dilley, Tx 78017

Service on the United States Attorney constitutes service on all named federal Respondents in this matter, and service has also been made directly on the Warden as Petitioner's immediate custodian.

Dated this 28th day of January, 2026.



Iris A. Albizu Rivera (TX Bar #24082611)

P.O. Box 202943

Austin TX 78720

Telephone: (512) 861-5638

Facsimile: (866) 584-6996

Email: iris@albizulaw.com

Attorney for Petitioner

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No. Name: SOSA-MORALES, METJAYIDate: Nov 02, 2023

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- ☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- ☒ You must surrender for removal from the United States if so ordered.
- ☒ You must report in (writing) (person) to Duty officer at Provo Sub Office on December 13, 2023, 10:00 AM as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- ☒ You must not change your place of residence without first securing written permission from the officer listed above.
- ☒ You must not violate any local, State or Federal laws or ordinances.
- ☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- ☒ Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☒ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

B. Salazar
SDDO
(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

H. 4522 Garcia Jr.

0207168694, ICE.1
11/7/2023, 11:50:08 AM
HECTOR G GARCIA JR

(Signature of ICE Official Serving Order)

Nov 02, 2023

Date


(Signature of Alien)

I hereby cancel this order of release because:

- ☐ The alien failed to comply with the conditions of release.
- ☐ The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order)

Date

[illegible]

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)

File No.: 

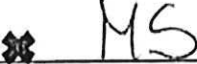
Date: Nov 02, 2023

Name: SOSA-MORALES, METJAYI

- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Release on Recognizance.
- ☒ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- ☐ Other:

X MS
(Signature of Alien)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
ATD ENROLLMENT - NOTICE TO ALIEN

Name: SOSA-MORALES, METJAYI	Field Office: HARLINGEN, TX, DOCKET CONTROL OFFICE	A Number: 
Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U. S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of you release conditions or your arrest and detention. If fitted with a U.S. Immigration and Customs Enforcement GPS monitoring device do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. The unauthorized removal of the GPS monitoring device will result in damage to property of the United States. Damaging or attempting to damage the GPS monitoring device or any of its associated equipment (including, but not limited to, the charging station, batteries, and power cords) may result in your arrest, detention and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten year's imprisonment, or both.		
RECORD OF SERVICE		
Served On: (Alien's Signature) 		Date: Nov 02, 2023
<i>By signing I acknowledge that this form was provided to me in a language I understand or was read to me in a language I understand. I further acknowledge that tampering with, damaging, and/or removing the GPS Device, or any of its associated equipment, without permission may result in damage to federal property for which I may be criminally prosecuted</i>		
Served By: (Print Name and Title of Officer) H. 4522 Garcia Jr., Deportation Officer		Location of Service: DONNA, TEXAS
Officer's Signature: 0207168694.ICE.1 11/2/2023, 11:50:08 AM HECTOR G GARCIA JR 		Date: Nov 02, 2023

U.S. Department of Homeland Security

Order of Release on Recognizance

File
Date
EverName: NETJAYI SUYIN SOSA-MORALES

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (WFO/MS) (person) to _____ (Name and Title of Case Officer)
at AS INDICATED ON THE ATTACHED GROC G-56 on _____ at _____ (Time)
(Location of DHS Office) (Day of each week or month)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☐ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☐ See attached sheet containing other specified conditions (if a form on separate sheet is required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

(Signature of DHS Official)

OSVALDO A. CONDE
Acting/Patrol Agent in Charge

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

JOSE M. TREVINO

(Signature of Immigration Officer Serving Order)

Refused to Sign

(Signature of Alien)

11/01/2023

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order)

(Date)

Form I-220A (Rev. 08-01-97) N

ORDER OF RELEASE ON RECOGNIZANCE
(CONTINUATION PAGE)

Alien Name		
File Number		Date Nov 02, 2023
Alien's Signature MS		
Alien's Telephone Number (if any)		
Alien's Address		

PERSONAL REPORT RECORD

[illegible]

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)

File No. 

Date: Nov 02, 2023

Name 

- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Release on Recognizance.
- ☒ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- ☐ Other:

X



(Signature of Alien)

U.S. Department of Homeland Security

Order of Release on Recognizance

File No.

Date

Ex. 101

Name

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (~~XXXXXX~~) (person) to _____

(Name and Title of Case Officer)

at AS INDICATED ON THE ATTACHED OREC G-56

on

at

(Location of DHS Office)

(Day of each week or month)

(Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above

☐ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other. _____

☐ See attached sheet containing other specified conditions (if continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

(Signature of DHS Official)

OSVALDO A. CONDE

Acting/Patrol Agent in Charge

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

JOSE M. TREVINO

JOSE M. TREVINO
Date 2023 11 02 00:37 -05 00
0041502116 CDP

(Signature of Immigration Officer Serving Order)

(Signature of Alien)

11/01/2023

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order)

(Date)

January 15, 2026

To Whom It May Concern,

I am writing this letter in support of my student, [REDACTED], whom I have had the pleasure of teaching at [REDACTED] since August of 2025. I am currently a Third Grade Dual Language teacher, and I worked with [REDACTED] on a daily basis.

[REDACTED] consistently demonstrates strong character, respect for others, and a positive attitude towards learning. He comes to class prepared, completes his assignments on time, and makes a genuine effort to improve academically, even when learning in a new language. In the time frame of August to December, [REDACTED] demonstrated 161% growth in the area of Reading and 81% growth in the area of Math. He is on track to meet all his end of year goals.

In addition to his academic efforts, [REDACTED] is a well-behaved and respectful student. He follows school rules, treats teachers and classmates with courtesy, and contributes positively to the classroom environment. He has never caused disruptions and often serves as a good example for his peers.

[REDACTED] also shows maturity and determination beyond his age. He is motivated to succeed in school and understands the importance of education for his future. It is clear to me that he values the opportunity to learn and to better himself.

Based on my experience as his teacher, I believe [REDACTED] is a hardworking, respectful, and responsible young person who contributes positively to our school community. I sincerely hope that this letter will be considered as a reflection of his character and behavior.

Please feel free to contact me if additional information is needed.

Sincerely,

[REDACTED]

Third Grade Dual Language Teacher

[REDACTED]

January 14, 2026

To Whom It May Concern,

I am writing this letter in support of [REDACTED] as part of his petition for asylum. I had the privilege of teaching [REDACTED] during his time at [REDACTED] during the 2024/2025 school year while he was in second grade, and I can confidently speak to his outstanding character, behavior, and dedication as a student.

Throughout the time I worked with [REDACTED], he consistently demonstrated respectful behavior toward peers and adults. He followed school expectations, treated others with kindness, and showed integrity in his actions and decisions. He was a student who could be trusted to do the right thing, even when faced with challenges.

[REDACTED] arrived at school each day with a positive attitude, on time, and prepared to learn. He showed perseverance in his academic work, putting forth effort even when tasks were difficult. He did not give up easily and took pride in completing his responsibilities. His willingness to learn and improve reflected strong personal values and maturity.

In addition to his academic efforts, [REDACTED] was a positive presence in the classroom. He was respectful, cooperative, and contributed to a safe and supportive learning environment. His behavior reflected strong moral character and a genuine desire to succeed.

Based on my experience as his teacher, I believe [REDACTED] is a hardworking, respectful, and responsible individual who would continue to be a positive and contributing member of any community. I strongly support his request for asylum and hope he is given the opportunity to continue his education and future in a safe and stable environment.

Sincerely,

[REDACTED]

2nd Grade Dual Language Teacher

[REDACTED]