

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Cristian Midael Cardona Marroquin,

Petitioner,

v.

Kristi Noem, in her official capacity as Secretary
of the Department of Homeland Security;

Todd M. Lyons, in his official capacity as Acting
Director of Immigration and Customs
Enforcement;

Garret Ripa, in his official capacity as Miami
Field Office Director, Immigration and Customs
Enforcement's Enforcement and Removal
Operations;

Mitchell Diaz, in his official capacity as
Assistant Field Office Director, Broward
Transitional Center;

Cynthia Swain, in her
Official capacity as Warden of Broward
Transitional Center

Respondents.

Case No: 0:26-cv-60229-DMM

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF, AND
VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS

PEITIONER'S TRAVERSE

COMES NOW the Petitioner, Cristian Midael Cardona Marroquin, by and through his undersigned counsel and hereby submits his Traverse in Reply to Respondent's Response [ECF 7], and in support of his Petition for Writ of Habeas Corputs [ECF 1].

Introduction

In his Writ of Habeas Corpus [ECF 1], the Petitioner challenges his designation and subjection to continued mandatory detention under 8 U.S.C. § 1225(b)(2) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). [ECF No. 1, p. 13-15;].

In its Return, the government presents an “abbreviated response” and does not provide the requisite memorandum of law. The government fails to address Petitioner’s Count II Due Process Violation in its entirety. As it failed to raise any argument in opposition, the government has waived its response. Petitioner argues that he is being detained indefinitely given his status as a J.O.P class member and the government’s moratorium on processing asylum claims. [ECF No. 1, pp. 12-13; 21-23]. As a J.O.P. class member with a pending asylum claim before USCIS, he is prohibited from being removed from the United States until his application is processed. It remains on indefinite hold given the USCIS’s December 2, 2025 directive. There has been no change and the USCIS has continued its moratorium on processing pending asylum applications. There is no information on how long this pause will last. Even if Petitioner should receive a substantive bond hearing, if bond is denied, he would remain in indefinite detention. This is in direction violation of his Due Process rights. Further, detention without foreseeable release is in direct violation of the Fifth Amendment. As such, Petitioner renews his request for the Habeas Petition to be granted and requests this honorable Court Order Petitioner to go free.

The government acknowledges the weakness of its position by recognizing that the Southern District has consistently ruled against the government’s new interpretation of 8 U.S.C. § 1225 and 8 U.S.C. § 1226 under *Hurtado*. [ECF No. 7 at pp. 3-5]. It is prejudicial to Petitioner for the government to adopt by reference legal arguments made before this Court in a case Peittioner was not a party. [ECF No. 7 pp. 5-6]. Petitioner is unaware of potential arguments made at hearings or otherwise submitted by third parties as Habeas Petition filings are restricted. However, this Court in its report and recommendation in that case stated, “In response [to petitioner], Respondents raise numerous arguments that courts around the country have roundly rejected and which this Court likewise finds unpersuasive.” *Gonzalez v. Noem*, No. 0:25-CV-62261, 2025 U.S. Dist. LEXIS 271187, at *4-5 (S.D. Fla. Dec. 23, 2025). It is unknown to Petitioner why the government acknowledges the consistent rulings against its position but refuses to consent to the issuance of the writ. [ECF No. 7 at pp.3-5]. Such behavior further wastes judicial time and resources, and keeps Petitioner wrongfully detained.

Finally, the government attempts to argue that Petitioner’s prior status as a UC does not foreclose the application of 8 U.S.C. § 1225(b). This is irrelevant. Petitioner argues that while he may be statutorily defined as an “applicant for admission” under 8 U.S.C. § 1225(a)(1), he was not “seeking admission” at the time of his most recent arrest by the Department of Homeland

Security (“DHS”) Office of Immigration and Customs Enforcement (“ICE”) in September 2025—after having been initially released from ORR custody and having resided in the United States for several years—and is therefore outside the gambit of § 1225(b)(2)(A)’s mandatory detention provision. Instead, he contends that his detention is controlled by § 1226, and he is entitled to a full custody redetermination hearing on the merits before an immigration judge (“IJ”), and that his continued detention without a full custody redetermination hearing before an IJ is unlawful, as it violates the Immigration and Nationality Act (INA) and the Due Process Clause. U.S. Const. Amend. V. [ECF No. 1, pp. 4-8, 11; 14-23].

Petitioner will take each topic in turn.

Argument

I. Petitioner’s J.O.P Class Membership is Unaddressed and Possess Significant Risk of Indefinite Detention

The government fails to address Petitioner’s J.O.P. class status or the violation of Due Process under Count II of the Petition. The Due Process clause applies to, “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Petitioner reincorporates its argument made in the Petition, that the three part *Mathews* test warrants granting of the Habeas Petition. [ECF No. 1 at 22-23 citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)].

Applying the *Mathews* test, Petitioner’s liberty interest is paramount, and the risk of erroneous deprivation is extreme. Petitioner was previously released by ORR, which found Petitioner was not a flight risk and posed no danger to his community. Petitioner has no subsequent criminal history in the United States, has been living continuously at the same address, possesses a valid EAD, and most importantly is not subject to mandatory detention under 8 U.S.C. § 1226. Likewise, the risk of erroneous deprivation of liberty is great due to the lack of a non-independent adjudicator. *Marcello v. Bonds*, 349 U.S. 302, 305-06 (1955). Petitioner has already experienced an IJ refusing to conduct any proceeding until it received direct guidance from the EOIR who in turn receives it from DHS. [ECF No. 1 at p. 14]. The government and BIA have continuously showed their willingness to disregard nearly unanimous federal court rulings that the DHS’s interpretation of the INA is incorrect.[ECF No. 7 at p. 3-5 where the government concedes rulings against it within the Southern District. *See also* various cases cited

throughout the United States District Courts¹]. Finally, the government's interest in keeping Petitioner indefinitely detained is minimal. As a *J.O.P.* class member, petitioner should never have been detained; he does not, and did not, present any flight risk or danger. He has been continuously residing in the same address in Florida since his arrival as a UC, and has strong ties to the community. He has a valid EAD and is a part of the local economy. His continued detention is not rationally related to any purpose.

It is clear that under the *Mathew's* test, Petitioner's detention violates his Fifth Amendment procedural due process rights. That alone warrants his immediate release. However, there is an additional concern that this Court should weigh. There remains a real risk that Petitioner will remain in indefinite detention even if provided a substantive bond hearing. As the Court knows,

¹ The overwhelming majority of United States Federal District Courts outside of the Eleventh Circuit have drawn the same conclusion. See, e.g., *Hernandez Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM, 2025 U.S. Dist. LEXIS 212865, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *Aguilar Guerra v. Joyce*, 2:25-cv-534-SDN, 2025 U.S. Dist. LEXIS 208608, 2025 WL 2986316 (D. Maine Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25-cv-13004, 2025 U.S. Dist. LEXIS 208752, 2025 WL 2985256 (D. N.J. Oct. 23, 2025); *Gomez Garcia v. Noem*, No. 5:25-cv-02771-ODW (PDx), 2025 U.S. Dist. LEXIS 209286, 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025); *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 U.S. Dist. LEXIS 208290, 2025 WL 2977650 (D.Colo. Oct. 22, 2025); *Ochoa Ochoa v. Noem*, No. 25-CV-10865, 2025 U.S. Dist. LEXIS 204142, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *N.A. v. Larose*, No. 25-cv-2384-RSH-BLM, 2025 U.S. Dist. LEXIS 198688, 2025 WL 2841989 (S.D. Cal. Oct. 7, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 U.S. Dist. LEXIS 188232, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 U.S. Dist. LEXIS 175513, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 U.S. Dist. LEXIS 175767, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 U.S. Dist. LEXIS 174828, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 U.S. Dist. LEXIS 171714, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 U.S. Dist. LEXIS 169423, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 U.S. Dist. LEXIS 167280, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 U.S. Dist. LEXIS 165015, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 U.S. Dist. LEXIS 163056, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Samb v. Joyce*, No. 25 Civ. 6373 (DEH), 2025 U.S. Dist. LEXIS 161109, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 U.S. Dist. LEXIS 160622, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 U.S. Dist. LEXIS 158808, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Maldonado v. Olson*, No. 25-cv-03142-SRN-SGE, 2025 U.S. Dist. LEXIS 158321, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Rosado v. Figueroa*, No. 25-CV-02157-PHX-DLR (CDB), 2025 U.S. Dist. LEXIS 156344, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. 25-CV-02157-PHX-DLR (CDB), 2025 U.S. Dist. LEXIS 156336, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Diaz Martinez v. Hyde*, No. 25-CV-11613-BEM, 2025 U.S. Dist. LEXIS 141724, 2025 WL 2084238 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 U.S. Dist. LEXIS 128085, 2025 WL 1869299 (D. Mass. July 7, 2025).

an IJ could decline to set a bond. This would render Petitioner in custody without any foreseeable release.

As a member of the J.O.P. class Petitioner cannot be removed with a pending USCIS asylum petition. USCIS has ceased processing all asylum applications since December 2, 2025. There remains no guidance on when USCIS will resume processing pending the applications. Even when they do, there remains no clarity as to when Petitioner's claim will be processed. Petitioner initially filed his I-589 application on July 1, 2024. It had not been processed in the year and a half prior to USCIS's moratorium. There is no telling how long it will take to process whenever USCIS restarts reviewing asylum applications. As a J.O.P. class member, Petitioner should never have been detained, let alone facing the potential of remaining indefinitely detained. Given this, the Court should grant the Habeas Petition and Order Petitioner to go free.

II. This Court's Prior Determinations in *Oceguenda Gonzalez v. Noem, et al.*

It is prejudicial for the government to incorporate by reference arguments made in a separate case with separate party. Petitioner had no opportunity to be heard in that case, the facts and legal arguments are different,² and Petitioner is unaware of the potential arguments made at hearing by either party.³ It is also difficult for Petitioner to review what arguments the government is attempting to preserve. In their Motion, the government exclusively makes argument as to the applicability of 8 U.S.C. §§ 1225(b) or 1226(a). [ECF No. 7 at 3-6]. However, the government then uses a catch all at the end of the motion by stating it, "hereby relies upon, and incorporates by reference, the legal arguments it presented in *Oceguenda Gonzalez v. Noem, et al.*, Case No. 25-62261-CIV-MIDDLEBROOKS/AGUSTIN-BIRCH, ECF No. 25 (Dec. 23, 2025). This catch all is insufficient and highly prejudicial to Petitioner. The government has only preserved their arguments as to whether 8 U.S.C. §§ 1225(b) or 1226(a) apply and has waived all other legal argument. It is not up to this Court, nor Petitioner, to hunt and peck through the record in an attempt to decipher the government's legal arguments. This is particularly true given the Constitutional importance of a Habeas Petition.

Without waiving this objection to the government's incorporation by reference, Petitioner has reviewed this Court's Report and Recommendation made on December 23, 2025. *Gonzalez v.*

² Supra at 3-5 for Petitioner's status as a J.O.P. member vs. Gonzalez does not appear to be a J.O.P. class member based on available filings.

³ Petitioner also cannot view the submissions by Mr. Gonzalez at Habeas Petitions are restricted on Pacer. It is unknown what legal arguments were put forth or preserved by this third party.

Noem, No. 0:25-CV-62261, 2025 U.S. Dist. LEXIS 271187 (S.D. Fla. Dec. 23, 2025). To the extent that this Court (or the government in later argument) seeks to review argument outside of the applicability of the statutes, Petitioner states as follows.⁴

Petitioner agrees that this Court has jurisdiction to hear this case and is not required to exhaustive administrative remedies before seeking habeas relief. *Id* at *6-12. Petitioner also notes and agrees with the Court's prior ruling that flatly rejects the government's position that "8 U.S.C. § 1225(b)(2), as opposed to 8 U.S.C. § 1226, properly governs the detention of non-citizens who are present in the United States, like Petitioner." *Id.* at 13 where the Court goes on to state,

"*See, e.g., Puga*, 2025 WL 2938369, at *5 ("[N]umerous courts that have examined the interpretation of section 1225 articulated by Respondents—particularly following the BIA's decision in *Matter of Yajure Hurtado*—have rejected their construction and adopted Petitioner's."); *Boffill*, 2025 U.S. Dist. LEXIS 228852, 2025 WL 3246868, at *7 ("Indeed, other Courts in this Circuit and District have uniformly rejected Respondents' expansive interpretation of section 1225."); *Hyppolite v. Noem*, No. 25-CV-4304 (NRM), 2025 U.S. Dist. LEXIS 197628, 2025 WL 2829511, at *12 (E.D.N.Y. Oct. 6, 2025) ("[I]n the approximately two and one-half-months since Respondents began to broadly invoke § 1225(b)(2)(A) to justify the mandatory detention of noncitizens who already reside within the United States, well over a dozen federal courts [*13] around the country have rejected Respondents' novel and illogical interpretation of the INA."). This Court likewise rejects Respondents' argument and concludes that 8 U.S.C. § 1226(a) governs Petitioner's detention. As explained by the Supreme Court, 8 U.S.C. § 1225(b) "primarily applies to aliens seeking entry into the United States," whereas 8 U.S.C. § 1226 "applies to aliens already present in the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 297, 303, 138 S. Ct. 830, 200 L. Ed. 2d 122 (2018).

Id. at *12-13.

Petitioner asks this Court to reaffirm its prior determination, and the overwhelming majority of all federal courts determinations, that Petitioner is governed by 8 U.S.C. § 1226(a). Petitioner is at minimum entitled to a bond hearing under this statute. However, Petitioner urges this Court to

⁴ Should the government renew a jurisdictional or exhaustion argument Petitioner objects and request they be denied. Respondent already had adequate opportunity to respond under this Court's Order to Show Cause [ECF No. 6]. A Habeas Petition requires rapid response to protect individuals from unlawful detention. Allowing additional briefing, where the Respondent had adequate time to make all available arguments, materially prejudices Petitioner and wrongfully keeps him detained. To the extent the Court be inclined to grant the government an additional opportunity, Petitioner does not waive and reserves all rights and privileges to filing a supplemental brief opposing the government's motion.

grant the Habeas in its entirety and permit Petitioner to go free given the real risk of indefinite detention when he should never have been detained as a J.O.P class member. *Supra* at 2-5.

III. The Respondents' arguments that the Petitioner's prior status as a UC does not foreclose the application of 8 U.S.C. § 1225(b) are irrelevant.

The government argues that the Petitioner's prior status as a UC does not foreclose the application of 8 U.S.C. § 1225(b) to classify him as a mandatory detainee. The Petitioner makes no such argument in his petition for habeas relief.

It is undisputed that the Petitioner entered the United States as a UC in July 2023, and was transferred from DHS to the custody of ORR who then released the Petitioner to his sister after considering the “[g]eneral principles that apply to the care and placement of” the Petitioner, which includes whether he was a danger to the community or a flight risk. See 8 U.S.C. § 1232(c)(2)(a); 45 CFR § 410.1003(f); [ECF No. 1, p. 2-3; 11]; [ECF No. 9, p. 2].

The government first argues that the transfer of custody of the Petitioner from DHS to HHS did not alter his immigration status and that contrary to Petitioner's allegations that he entered as a UC, he is actually an “applicant for admission” subject to the removal and detention provisions of 8 U.S.C. § 1225(b). The Petitioner does not argue that his UC designation or placement in ORR custody altered his immigration status as UCs, by definition, have “no lawful immigration status in the United States.” 6 U.S.C. § 279(g)(2)); 8 U.S.C. § 1232(g). The government concedes the Petitioner was a UC upon entry which, contrary to the government's argument, means that he was statutorily exempt from DHS detention and expedited removal under 8 U.S.C. § 1225(b) by virtue of the TVPRA and Homeland Security Act of 2002 (“HSA”). Therefore, if the government argues that the Petitioner was a mandatory detainee upon his entry, it is incorrect as a matter of law as his custody at that time was governed by the TVPRA and HSA which give ORR exclusive authority to make custody determinations regarding UCs and contemplate that ORR will release UCs upon identification of a sponsor, not detain them during the entirety of their removal proceedings, as the government contends it has authority to do under 8 U.S.C. § 1225(b). See 6 U.S.C. §§ 279(b)(1), (1)(C) (“[T]he Director of the Office of Refugee Resettlement *shall* be responsible for—(C) making placement determinations for all unaccompanied alien children....”) (Emphasis added); 8 U.S.C. § 1232(b)(1)(a) (“[T]he care and

custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services.”).

The government next argues that the Petitioner was no longer a UC when he was detained on on September 29, 2025 because he had turned eighteen (18) and ORR had released him to his sister.⁵ [ECF No. 7, p. 2,4]. However, whether the Petitioner held UC status at the moment of his detention is irrelevant to the Petitioner’s argument that he was not “seeking admission” when he was detained on September 25, 2025, and has no bearing on whether he is entitled to habeas relief from the government’s unlawful detention.

When he was re-detained, the Petitioner had already resided in the United States for several years, a member of the J.O.P class, and had a pending asylum application before USCIS. As a noncitizen who entered without inspection and already residing in the country for several years, his custody is governed by 8 U.S.C. § 1226(a), which provides for discretionary detention and bond eligibility, rather than by 8 U.S.C. § 1225(b), which would subject him to mandatory detention, as the government contends. *See, e.g., Merino v. Ripa*, No. 25-23845-CIV-MARTINEZ, 2025 LX 451385, at *14 (S.D. Fla. Oct. 15, 2025; *Puga v. Ass’t Field Office Dir.*, No. 25-24535-CIV, 2025 LX 462379, at *13-14 (S.D. Fla. Oct. 15, 2025).

That the Petitioner is a UC does not undermine his petition for habeas relief. To the contrary, the Petitioner’s UC status upon entry and subsequent release by ORR further establishes that he is not a mandatory detainee because the TVPRA anticipates UCs are not subject to mandatory detention but should be released upon ORR’s identification of a sponsor or, if still in ORR custody upon turning eighteen (18) years old, be considered for release or placement in the least restrictive setting available if transferred to DHS custody. 8 U.S.C. § 1232(c)(2) (“Such aliens shall be eligible to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien’s need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised group home.”). A plain reading of the statute presumes that every UC in HHS custody who reaches eighteen (18) years old will not be automatically transferred to the DHS’s custody. *See Ramirez v. U.S. Immigr. & Customs Enf’t*, 471 F. Supp. 3d 88 (D.D.C. 2020) (finding the DHS,

⁵ Petitioner notes that the government argues, “An individual is not an UAC if and when he is released to a parent’s custody.” This appears to be a scrivener’s error as at no time has Petitioner ever argued that he was released to a parent. The government’s own Motion acknowledges he was released to a sibling. [ECF No. 7 at p.2]. In any event, the government’s position on this matter is irrelevant as detailed in this response.

For these reasons Petitioner asks this Court to Order that Petitioner go free without delay or to order a substantive bond hearing. Petitioner asks that if this Court order a bond hearing, that it retain jurisdiction for this Habeas should bond be denied in its entirety as it would subject Petitioner to indefinite detention in violation of the Fifth Amendment. Finally, Petitioner also requests that this Court prevent the government from removing Petitioner from the jurisdiction.

Dated: February 9th, 2026

Respectfully submitted,

By: /s/ John H. Wilbur III
JOHN H. WILBUR III
Florida Bar No. 1031177
Email: john.wilbur@fertig.com
FERTIG AND GRAMLING
200 Southeast 13th Street
Fort Lauderdale, FL 33316
Phone: (954) 763-5020
Fax : (954) 763-5412
Attorney for Petitioner

Immigration and Customs Enforcement (ICE), in systematic violation of 8 U.S.C. § 1232(c)(2)(B) when it transferred eighteen-year-old UCs in HHS custody to ICE detention facilities without considering or attempting to place them in the least restrictive placement available).

It undermines the Respondents' interpretation of INA § 235(b)(2)(A) that UCs automatically become mandatory detainees upon reaching eighteen (18) years old. *See Corley v. United States*, 556 U.S. 303, 314, 129 S. Ct. 1558, 173 L. Ed. 2d 443 (2009) (“[A] statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant[.]”) ((alterations added; citation and quotation marks omitted); *Bilski v. Kappos*, 561 U.S. 593, 608, 130 S. Ct. 3218, 177 L. Ed. 2d 792 (2010) (“This principle . . . applies to interpreting any two provisions in the U.S. Code, even when Congress enacted the provisions at different times.”) (alteration added; citation omitted). Therefore, the TVPRA and HSA work together with 8 U.S.C. § 1226(a) to demonstrate that the Petitioner is not a mandatory detainee based on his manner of entry as he was already released from government custody and then re detained years later, upon which time he could no longer be classified as a noncitizen “seeking admission,” but as a noncitizen already in the United States whose custody is governed by 8 U.S.C. § 1226(a).

Conclusion

In conclusion, it is clear that Petitioner is governed under 8 U.S.C. § 1226 and is at minimum entitled to a substantive bond hearing. However, given the Due Process violations and Petitioner's status as a J.O.P. class member which prohibits removal with a pending USCIS asylum application, this Court should permit Petitioner to go free without delay. Petitioner should never have been detained and the government offers no rational basis for keeping him detained indefinitely. He cannot be removed from the United States given his pending USCIS asylum application. USCIS has ceased processing these claims since December 2, 2025 and there is no clarity on when it will resume. Even once resumed, there is no clarity as to when Petitioner's claim may be processed. It is conceivable that he would remain in DHS custody for years as USCIS works through its backlog of asylum applications. Unless the Court has specific questions or concerns, Petitioner believes that the law is clear and the Court can rule upon the papers.