

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

YEFRI A LEMUS LOPEZ

Petitioner,

v.

MIGUEL VERGARA, *in his official capacity as
Field Office Director, U.S. Immigration and
Customs Enforcement, Enforcement & Removal
Operations, San Antonio Field Office;*

KRISTI NOEM, *in her official capacity as
Secretary of the Department of Homeland
Security;* and

PAM BONDI, *in her official capacity as Attorney
General of the United States,*

Respondents.

**PETITION FOR A WRIT OF
HABEAS CORPUS**

Case No.

INTRODUCTION

1. Petitioner Yefri A Lemus Lopez (“Yefri” or “Petitioner”) entered the United States as a child after fleeing from his home country of Guatemala. In 2023, the U.S. government granted him Special Immigrant Juvenile Status (SIJS), based on findings an individual has been appointed by the court for his custody; he cannot be reunified with one or both of your parents because of any of the following: Abuse; Abandonment; Neglect; or A similar basis under state law; and it is not in your best interests to return to the country

of nationality or last habitual residence. Yefri obtained work authorization and deferred action delaying his removal, while he awaited a priority date on his SIJS visa to allow him to apply to become a Legal Permanent Resident. He began legally working and taking steps to build a productive new future in the U.S.

2. Due to an abrupt policy change explored *infra*, Immigration and Customs Enforcement (ICE) arbitrarily detained Yefri in a traffic stop on December 2025. Florida Highway Patrol Officers detained Yefri in Turner Guilford Knight Correctional Center (TGK), then ICE officers picked up Yefri and transported him to ICE Miramar for about half a day. Then Yefri was transferred to Karnes City, Texas. Since detaining Yefri, the Department of Homeland Security (“DHS”) has served Yefri with a Notice to Appear (“NTA”) placing him in removal proceedings, although he is actively contesting his removal in immigration court through counsel.
3. On January 20, 2026, the immigration Judge denied Yefri’s bond request because the Immigration Judge (“IJ”) and Board of Immigration Appeals (“BIA”) concluded that they lack jurisdiction to even conduct a bond hearing for Yefri, because of DHS’ July 2025 policy memo and the BIA’s recent precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Yefri is eligible for a bond hearing under 8 U.S.C. § 1226(a), the statutory provision that clearly covers Yefri’s detention.
4. On January 26, 2026, Yefri has moved to terminate his removal proceedings based on his approved SIJS petition but the court denied the Motion to terminate on January 28, 2026. Yefri is actively contesting his removal in immigration court through counsel.
5. Notwithstanding ICE’s erroneous contention that Yefri is subject to mandatory detention without a bond hearing, ICE also lacks any statutory to detain Yefri to begin

with, because he has been granted SIJS and cannot be removed based on the grounds alleged in ICE's NTA. *See Rodriguez v. Perry*, No. 1:24-CV-651, 2024 WL 4024047, at *4 (E.D. Va. Sept. 3, 2024) (“[A] juvenile with SIJ status . . . cannot be removed for having entered the country illegally.”). As a result, this Court should grant this petition and order that ICE release Yefri immediately from detention, or order that he urgently receive a bond hearing before an IJ.

JURISDICTION & VENUE

1. This Court has subject matter jurisdiction under Art. I § 9, cl. 2 of the U.S. Constitution (“the Suspension Clause”), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

2. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

3. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is currently detained within this district and division and events or omissions giving rise to this action occurred in this district and division.

PARTIES

4. Petitioner Yefri Alexander Lemus Lopez is a native and citizen of Guatemala and SIJS recipient who is currently detained at Karnes County Immigration Processing Center, a detention facility in Karnes City, Texas.

5. Respondent, Miguel Vergara, in his official capacity as Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement & Removal Operations, San Antonio Field

Office. In that capacity, Respondent oversees Karnes County Immigration Processing Center, a detention facility operated by the Enforcement and Removal Operations/ICE to detain noncitizens. Respondent has the authority to make custody determinations regarding individuals detained there. Accordingly, Respondent Miguel Vergara is the immediate custodian of Petitioner and is sued in her official capacity.

6. Respondent, Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security.

7. Respondent Pam Bondi is the Attorney General of the United States. As the Attorney General, she oversees the Executive Office for Immigration Review (“EOIR”), including all IJs and the BIA. Respondent Bondi is sued in her official capacity.

LEGAL BACKGROUND

A. Detention During Removal Proceedings

8. Section 1229a of Title 8 of the U.S. Code (Section 240 of the INA) describes the primary process through which the government can seek to remove noncitizens from the United States. It explains that “[u]nless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether a[] [noncitizen] may be . . . removed from the United States.” 8 U.S.C. § 1229a(a)(3). To initiate removal proceedings against a noncitizen under Section 1229a, the Government must issue the noncitizen an NTA. 8 U.S.C. § 1229(a)(1). Most noncitizens go through removal proceedings from outside detention, but ICE is increasingly detaining noncitizens during their removal proceedings.

9. There are several relevant provisions for immigration detention that have existed largely the same in their current form since Congress passed the Illegal Immigration Reform and

Immigrant Responsibility Act of 1996 (“IIRIRA”) nearly 30 years ago. Sections 1226(a) and 1225(b)(2) are particularly relevant for purposes of resolving the current petition.

10. Section 1226(a) of Title 8 of the U.S. Code (Section 236(a) of the INA) sets forth the “default rule” for “[noncitizens] already present in the United States” by “permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings.” *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018). It states that “on a warrant issued by the Attorney General,¹ a[] [noncitizen] may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States” 8 U.S.C. § 1226(a). Noncitizens arrested upon a warrant and in ongoing removal proceedings are eligible to seek release on bond before an IJ. *Id.* at 8 U.S.C. § 1226(a)(2).

11. A separate provision, Section 1225(b) of Title 8 of the U.S. Code (Section 235(b) of the INA) governs the detention of noncitizens who seek admission to the United States at the border through two subsections, 8 U.S.C. § 1225(b)(1) and § 1225(b)(2). Section 1225(b)(1) applies to noncitizens in “expedited removal” proceedings, while § 1225(b)(2) explains that, notwithstanding several limited statutory exceptions, “in the case of a[] [noncitizen] who is an applicant for admission, if the examining immigration officer determines that a[] [noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the [noncitizen] shall be detained for a [removal] proceeding under section 1229a of this title.” 8 U.S.C. § 1225(b)(2). “In other words, noncitizens subject to [Section] 1225(b)(2) are not eligible for expedited removal but are subject to mandatory detention while their full removal proceedings are pending. . . . in contrast to the default detention regime under § 1226(a), which allows for discretionary release

¹ In 2003, the Immigration and Naturalization Service (“INS”) within the Department of Justice (“DOJ”) became what is now ICE, which is housed within DHS. Therefore, some statutory references to the “Attorney General,” like this one, now refer to the Secretary of DHS.

and review of detention through a bond hearing.” *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503, at *3 (N.D. Cal. Sept. 12, 2025). Consequently, IJs do not have jurisdiction to grant bond for such “applicant[s] for admission,” though DHS retains the discretion to release such noncitizens on a specific type of parole “for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A).

12. Summing up the relationship between these two statutory provisions, “Section 1225 ‘authorizes the Government to detain certain [noncitizens] *seeking admission* into the country,’ whereas [S]ection 1226 ‘authorizes the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings.” *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328, at *5 (E.D. Cal. Oct. 27, 2025) (citing *Jennings*, 583 U.S. at 289) (emphasis in original). Reflecting that understanding, “[f]or decades, whenever [ICE] detained a noncitizen within the interior part of the United States who did not have a pending order of removal, the [DHS] detained them under [8 U.S.C. § 1226].” *Mendoza Gutierrez v. Baltasar*, No. 25-CV-2720-RMR, 2025 WL 2962908, at *1 (D. Colo. Oct. 17, 2025) (cleaned up). Consequently, “[u]ntil mid-2025, DHS applied § 1226(a) and its discretionary release and review of detention to the vast majority of noncitizens allegedly in this country without valid documentation,” providing them with the opportunity to seek bond before an IJ. *Aguirre Villa, v. Normand*, No. 5:25-CV-89, 2025 WL 3095969, at *5 (S.D. Ga. Nov. 4, 2025) (internal quotation marks omitted).

13. Additionally, current binding “[f]ederal regulations provide that [noncitizens] detained under § 1226(a) receive bond hearings at the outset of detention.” *Jennings*, 583 U.S. at 306 (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)). Those regulations—which the Department of Justice promulgated in 1997, and which remain in effect—explicitly state that “[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,” and that “inadmissible [noncitizens], except for arriving [noncitizens], have available to them bond redetermination hearings before an immigration judge, while arriving noncitizens do not.” *Inspection and Expedited Removal of [Noncitizens]; Detention and Removal of [Noncitizens]; Conduct of Removal Proceedings; Asylum Procedures*, 62 FR 10312, 10323 (Mar. 6, 1997).

14. On July 8, 2025, DHS radically upended this longstanding interpretation and practice when it issued a notice to all ICE employees, indicating that “DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities.” See *ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, AILA Doc. No. 25071607 (July 8, 2025).² In the memo, DHS announced that it considered “applicants for admission” to now encompass any noncitizen “present in the United States who has not been admitted or who arrives in the United States,” in conjunction with its novel stance “that [Section 1225] of the Immigration and Nationality Act (INA), rather than [Section 1226], is the applicable immigration detention authority for all applicants for admission.” *Id.* As a result, DHS concluded that these noncitizens “are also ineligible for a custody redetermination hearing (‘bond hearing’) before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS.” *Id.*

15. On September 5, 2025, the government further doubled down on this position when the BIA issued a precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In that decision, the BIA concluded that the “plain text” of the INA mandates that noncitizens who are “present in the United States without admission are applicants for admission as defined under

² A leaked copy of the memo is publicly available online at <https://perma.cc/4Q6X-GAZC>.

section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings.” *Id.* at 220. The Board conceded that even though “section 236(c) of the INA, 8 U.S.C.A. § 1226(c), mandates detention of a subset of the category of [noncitizens] that are also subject to mandatory detention under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A)” —effectively rendering Section 1225(b)(2) superfluous and redundant under this novel interpretation—this concern is irrelevant because “redundancies are common in statutory drafting.” *Id.* at 222.

16. The BIA’s decision in *Yajure Hurtado*, which IJs across the nation are required to follow as binding precedent, effectively mandates that noncitizens “who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer,” even if they “[r]emain[] in the United States for a lengthy period of time following entry without inspection.” *Id.* at 228. Consequently, IJs “have no authority to redetermine the custody conditions of a[] [noncitizen] who crossed the border unlawfully without inspection.” *Id.* As a result of this change, “[t]his sweeping new policy subjects *millions* of undocumented residents to prolonged detention without the opportunity for release on bond, in contravention of decades of agency practice and robust due process protections hitherto afforded to such residents to enable them to challenge the government’s basis for detaining them.” *Rodriguez Cabrera, v. Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at *3 (D. Nev. Nov. 3, 2025).

17. In the months “[s]ince DHS’s change in policy, courts in this District and around the country have rejected its new interpretation of the INA.” *Hinojosa Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at *5 (M.D. Fla. Oct. 31, 2025); *see also Barco Mercado v. Francis*, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *13–14 (S.D.N.Y. Nov. 26,

2025) (tallying more than 350 cases reaching the same conclusion, and only 12 going the other way); *Guerrero Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 3687757 (D. Mass. Dec. 19, 2025) (granting summary judgment and extending declaratory relief to Massachusetts-based class of noncitizens wrongly subject to mandatory detention under the government's recent interpretation of § 1225(b)(2)(A)); *Maldonado Bautista v. Santacruz*, No. 25-cv-0187, 2025 WL 3678485 (C.D. Cal. Dec. 19, 2025) (similar, extending declaratory relief to nationwide class), *Erazo v. Hardin*, No. 2:25-CV-891-KCD-DNF, 2025 WL 3187136 (M.D. Fla. Nov. 14, 2025); *Vasquez Carcamo v. Noem*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025); *Hernandez Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025); *Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025); *Aguirre Villa v. Normand*, No. 5:25-CV-089, 2025 WL 3091833 (S.D. Ga. Nov. 5, 2025); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 3089712 (E.D. Cal. Nov. 5, 2025); *Salgado Mendoza v. Noem*, No. 1:25-CV-1252, 2025 WL 3077589 (W.D. Mich. Nov. 4, 2025); *Hernandez Alonso v. Tindall*, No. 3:25-CV-652-DJH, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025); *Rojano Gonzalez v. Sterling*, No. 1:25-CV-6080-MHC, 2025 WL 3145764 (N.D. Ga. Nov. 3, 2025); *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *Godinez-Lopez v. Ladwig*, No. 2:25-CV-02962-SHL-ATC, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025), *Singh v. Bondi*, No. 1:25-CV-02101-SEB-TAB, 2025 WL 3029524 (S.D. Ind. Oct. 30, 2025); *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025); *Aguilar Guerra v. Joyce*, 2:25-CV-534-SDN, 2025 WL 2986316 (D. Maine Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25-CV-13004, 2025 WL 2985256 (D. N.J. Oct. 23, 2025); *Caballero v. Baltazar*, No. 25-CV-03120-NYW, 2025 WL

2977650 (D. Colo. Oct. 22, 2025); *Ochoa Ochoa v. Noem*, No. 25-CV-10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *G.S. v. Bostock*, No. 2:25-CV-01255-JNW-TLF, 2025 WL 3014274 (W.D. Wash. Oct. 8, 2025), report and recommendation adopted sub nom. *G.S. v. Bostock*, No. 2:25-CV-01255-JNW-TLF, 2025 WL 3014035 (W.D. Wash. Oct. 28, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Garcia v. Noem*, No. 25-CV-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Kostak v. Trump*, No. 3:25-CV-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Samb v. Joyce*, No. 25 Civ. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Maldonado v. Olson*, No. 25-CV-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Rosado v. Figueroa*, No. 25-CV-02157-PHX-DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. 25-CV-02157- PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025).

18. Specifically, within the Western Division of Texas, the court held that the habeas petitioner is properly subject to 8 U.S.C. §1226(a), not 8 U.S.C. § 1255(b)(2). See, e.g., *Buenrostro-Mendez v. Bondi*, Civ. Action No. H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Gutierrez v. Thompson*, Civ. Action No. 4:25-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025); *Buestan v. Chu*, No. 25-cv-16034, 2025 WL 2972252 (D.N.J. Oct. 21, 2025); see also

Kyle Cheney, More Than 100 Judges Have Ruled Against the Trump Admin 's Mandatory Detention Policy, POLITICO (Oct. 31, 2025), <https://penna.cc/H6MZ-VC2Z>.

19. In *Shi v. Lyons*, 2025 WL 3637288 (S.D. Tex. Dec. 12, 2025), the court granted a preliminary injunction to a detained noncitizen challenging prolonged detention without a bond hearing, holding that exhaustion before the BIA was not required and that continued detention without a bond hearing likely violated both the INA and the Fifth Amendment. The court further held that detention itself constituted irreparable harm and that the balance of equities and public interest favored immediate relief.

20. In the Western Division of Texas, the Court held that the government's "new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect," noting that individuals placed in removal proceedings under § 1229a are not subject to § 1225(b)'s mandatory regime. *Lopez-Arevelo v. Ripa*, *2025 WL 2691828, at 7 (W.D. Tex. Sept. 22, 2025).

21. Additionally, a court in the Western District of Texas determined that a habeas petitioner who has lived in the United States for many years, has no criminal history, and has established deep family and community ties holds a significant liberty interest in freedom from detention. Applying the *Mathews* test, the court concluded that the habeas petitioner's detention without an individualized assessment of flight risk or dangerousness violates the Fifth Amendment. Consistent with the overwhelming authority, the court held that the appropriate remedy is a bond hearing before an Immigration Judge at which the Government must prove, by clear and convincing evidence, that he poses a danger or flight risk. *See Martinez v. Noem*, No. EP-25-CV-430-KC, 2025 WL 2965859, at *5 (W.D. Tex. Oct. 21, 2025).

B. Special Immigrant Juvenile Status

22. In 1990, Congress established SIJS “to protect abused, neglected or abandoned children who . . . illegally entered the United States . . .” *Osorio-Martinez v. Attorney General*, 893 F.3d 153, 163 (3d Cir. 2018) (internal quotation marks and citations omitted). In doing so, Congress exempted SIJS recipients from several grounds of removability from the United States. *See* 8 U.S.C. § 1227(c) (“Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), and (3)(A) of subsection (a) . . . shall not apply to a special immigrant described in section 1101(a)(27)(J) of this title based upon circumstances that existed before the date the [noncitizen] was provided such special immigrant status.”). Thus “although a juvenile with SIJ status can be removed on certain grounds, such as having been convicted of a serious criminal offense, he cannot be removed for having entered the country illegally.” *Rodriguez v. Perry*, No. 1:24-CV-651, 2024 WL 4024047, at *4 (E.D. Va. Sept. 3, 2024).

23. An SIJS recipient is eligible to adjust their status to that of a Lawful Permanent Resident (LPR), once a visa becomes available to them. 8 U.S.C. § 1255(h); *id.* § 1153(b)(4). While adjustment of status typically occurs through U.S. Citizenship and Immigration Services (“USCIS”), IJs have jurisdiction to adjust a noncitizen’s status in removal proceedings. 8 C.F.R. § 1245.2(a)(1)(i).

STATEMENT OF FACTS

Petitioner’s Background and Lawful Immigration Status

24. Yefri is a native and citizen of Guatemala. He lived in Guatemala from birth until approximately age seventeen. At age seventeen, Petitioner entered the United States alone as an unaccompanied minor.

25. Yefri entered the U.S. on or about June 23, 2021, at the age of seventeen and as an unaccompanied minor. Immigration officials apprehended him upon his entry. Ex. 1, Notice to appear Dated June 24, 2021.
26. Yefri was an unaccompanied minor, immigration officials transferred him to the custody of the Office of Refugee Resettlement (ORR). From there he was released into the care of his Adult First Cousin on or around July 23, 2021. Ex. 2, Office of Refugee Resettlement Verification of Release.
27. In 2023, with the help of another non profit firm in San Francisco, Yefri applied for Special Immigrant Juvenile Status with the U.S. Citizenship and Immigration Service based on a predicate order from a state family court finding that Yefri was abused, abandoned or neglected by his Parents. USCIS approved his application for SIJS on June 15, 2023. Ex. 3, Special Immigrant Juvenile Status Approval Notice with Deferred Action Status.
28. Furthermore, USCIS granted Yefri deferred action status pursuant to his SIJS grant. This deferred action status, which is in effect until at least June 14, 2027, is an acknowledgment by the DHS that Yefri is a “lower priority for removal from the United States.” Ex. 3, Special Immigrant Juvenile Status Approval Notice with Deferred Action Status. As of today, USCIS has not rescinded or modified Yefri’s SIJS and deferred action status. With deferred action status, Yefri applied for and received an Employment Authorization Document, which is valid until June 14, 2027. Ex. 4. Employment Authorization Document.
29. Despite entering the U.S. over four years ago, DHS had never initiated removal proceedings against Yefri until recently.

30. Once Yefri's priority date of December 13, 2022, becomes current, he will be eligible to adjust status to that of a legal permanent resident.

31. Since Yefri has been authorized to work legally in the United States and has worked consistently since approximately 2025, primarily in landscaping.

32. Prior to his detention, Petitioner had no criminal history and had never been arrested. Ex. 5, Sworn Affidavit of Y.A.L.L.

33. On December 12, 2025, the Department of Homeland Security served Yefri with a Notice to Appear alleging that he is subject to removal from the United States pursuant to 8 U.S.C. § 1182(a)(6)(A)(i), being present without admission or parole. and 8 U.S.C. § 1182(a)(7)(A)(i)(I), entering the U.S. without proper entry documents. Ex. 6, Notice to Appear dated December 12, 2025.

34. Yefri filed a Motion to Terminate his removal proceedings with the Pearsall Immigration Court on January 23, 2026, arguing that his special Immigrant Juvenile Status waived the grounds of removability with which he had been charged. The immigration denied the motion on January 28, 2026, and Yefri's removal proceedings remain pending in Pearsall Texas Immigration Court. Ex. 7, IJ Denial of Motion to Terminate.

35. Yefri's request for bond was denied on January 20, 2026, citing the Board of Immigration Appeals Decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Ex. 8, IJ Order on Bond.

Traffic Stop and Initial Detention

36. On December 11, 2025, Petitioner was a passenger in a landscaping truck traveling to work when the vehicle was stopped by a highway patrol officer. There were four individuals in the vehicle, including Petitioner. The driver was the crew supervisor.
37. During the stop, officers requested identification. None of the occupants had a Florida state identification. Officers conducted background checks on the individuals. The driver was arrested, Petitioner was arrested, and one individual fled from the scene.
38. Petitioner was transported to Turner Guilford Knight Correctional Center (TGK) in Miami, Florida, where he was held for approximately half a day.

ICE Custody and Transfer to Texas

39. After his brief detention at TGK, Petitioner was transferred into Immigration and Customs Enforcement ("ICE") custody and taken to ICE Miramar.
40. At ICE Miramar, Petitioner was given minimal food consisting of a small piece of bread with cheese and a bottle of water. He was required to sit on the floor for approximately six hours, as there were no chairs or beds available. More than thirty individuals were held in the same area. During this time, Petitioner was not allowed to make phone calls and had no access to an ICE deportation officer.
41. In the early morning hours of December 12, 2025, at approximately 4:00 a.m., Petitioner was transported by bus to an airport and placed on a flight to Texas.
42. Petitioner arrived at a holding facility in Texas at approximately 1:00 p.m. Upon arrival, he was placed in a holding cell, fingerprinted, and asked to sign documents. The holding cell was extremely cold. While there, Petitioner was provided a sandwich

containing ham, a cookie, and a bottle of water. The food caused stomach discomfort, but Petitioner continued eating due to hunger.

Continued Detention at Karnes County Immigration Processing Center

43. Later on December 12, 2025, Petitioner was transferred to the Karnes County Immigration Processing Center, located in Karnes City, Texas.

44. Upon arrival, Petitioner was served a meal consisting of rice, beans, bread, salad, and bottled water. ICE officers later approached Petitioner and asked whether he wished to voluntarily self-deport. Petitioner declined, explaining that he had approved Special Immigrant Juvenile Status, deferred action, a valid employment authorization document, and a Social Security number.

45. Petitioner remains detained at Karnes. He is provided three meals per day, though the food is frequently unappetizing and difficult to eat. The tap water provided at the facility causes Petitioner stomach pain when consumed.

Harm Caused by Detention and Request for Release

46. Petitioner's detention has caused significant hardship. He has been unable to see his family or friends and has been separated from the life he established in the United States. Prior to detention, Petitioner was living in Florida, working lawfully, and supporting himself.

47. Petitioner seeks release from custody so that he may reunite with family and friends, return to lawful employment, and continue pursuing permanent lawful status consistent with his approved SIJS and deferred action.

ARGUMENT

48. Respondents' apparent determination that Yefri is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b), rather than detained under 8 U.S.C. § 1226(a) and eligible for a bond hearing, violates the plain text and structure of the INA, renders other portions of the INA superfluous, and ignores Supreme Court case law, the legislative history of the INA, and longstanding agency practice. The government's position on this issue has already been repeatedly rejected by this Court and dozens of other district courts around the nation. *See Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263 at *5 n.5 (collecting cases). Yefri's approved SIJ status further reinforces that, to the extent Yefri can even be detained at all, he may only be subject to discretionary detention under Section 1226(a), and not mandatory detention under Section 1225(b)(2). Consequently, "[a]s a noncitizen detained under Section 1226(a), [Yefri] has a right to a bond hearing," and this court should order that Respondents provide Yefri with a bond hearing immediately. *Id.*

A. Contrary to Respondents' contentions, Yefri is detained under Section 1226(a), rather than Section 1225(b)(2), and is therefore statutorily entitled to a bond hearing.

49. In this task of statutory interpretation, "[t]he plain language of the statutes, the overall structure, the intent of Congress, and over 30 years of agency action make clear that Section 1226(a) is the appropriate statutory framework for determining bond for noncitizens who are already in the country and facing removal," such as Yefri. *Santos Franco v. Raycraft*, No. 2:25-CV-13188, 2025 WL 2977118, at *6 (E.D. Mich. Oct. 21, 2025). As this Court and other jurisdictions across the country have held nearly universally thus far, the government cannot distort the INA in this manner to

improperly deny bond hearings to detained noncitizens like Yefri who have been present in the U.S. for years, particularly when they have been granted SIJ status.

a. Respondents’ recent interpretation of Sections 1226(a) and 1225(b)(2) ignore the plain language and structure of the INA.

50. Here, the question of “[w]hether [Yefri] is detained under section 1225(b)(2) or section 1226(a) is an issue of statutory interpretation that hinges on the meaning of ‘seeking admission,’” an inquiry to which the “Court thus applies traditional tools of statutory construction, beginning with the plain meaning of the statutes, to decipher the meaning of that phrase.” *See Puga*, No. 25-24535-CIV, 2025 WL 2938369, at *4. In order “‘to determine a statute’s plain meaning,’ courts ‘not only look to the language itself, but also ‘the specific context in which the language is used, and the broader context of the statute as a whole.’” *Pineda Velasquez v. Noem*, No. CV GLR-25-3215, 2025 WL 3003684, at *4 (D. Md. Oct. 27, 2025).

51. First, the title of Section 1225, “Inspection by immigration officers; expedited removal of inadmissible arriving [noncitizens]; referral for hearing,” reflects that “[t]he use of ‘arriving’ indicates that the statute governs incoming noncitizens, not those present already” in the U.S. *Hernandez Lopez*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245, at *4. The “titles, headings, and other provisions of § 1225 repeatedly refer to ‘inspection,’ and ‘inadmissible arriving [noncitizens],’ and ‘examin[ations],’ which typically ‘occur at ports of entry, their functional equivalent, or near the border.’” *Bethancourt Soto v. Soto*, No. 25-CV-16200, 2025 WL 2976572, at *6 (D.N.J. Oct. 22, 2025). Further, “the text of Section 1225(b)(2) ‘is focused on inspections for noncitizens when they arrive via ‘crewman’ or as ‘stowaways.’ . . . limited and more specific methods of entry suggest[ing] that § 1225 applies to noncitizens arriving at a

border or port and [] presently ‘seeking admission’ into the United States.’” *Hernandez Lopez*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245, at *4.

52. Turning to the plain text of the statute, 8 U.S.C. § 1225(b)(2)(A) requires mandatory detention of an “applicant for admission, if the examining immigration officer determines that a[] [noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted.” In effect, “the statute that mandates detention does not state that all ‘applicants for admission’ shall be detained,” but instead “narrows this mandatory detention to [noncitizens] who are ‘seeking admission.’” *J.A.M.*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *2. Reflecting the fact that “[t]he INA defines ‘admission’ and ‘admitted’ as ‘the lawful entry of the [noncitizen] into the United States after inspection and authorization by an immigration officer,’” 8 U.S.C. § 1101(a)(13)(A), “[b]y using the term ‘seeking admission,’ Section 1225(b)(2) limits its application to [noncitizens] actively attempting to lawfully enter the United States.” *Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263, at *3. Looking to this plain statutory language, this Court should “reject[] as implausible the government’s contention that two distinct terms in the same subparagraph—‘applicant for admission’ and ‘a[] [noncitizen] seeking admission’—somehow bear the *same* meaning even though they are (obviously) *different* terms.” *Guartazaca Sumba v. Crowley*, No. 1:25-CV-13034, 2025 WL 3126512, at *4 (N.D. Ill. Nov. 9, 2025) (emphasis in original). Consequently, “based on a plain reading of the language and aided by these standard canons of statutory construction, § 1225(b)(2)(A) applies to [noncitizens] in the United States who have not been admitted (“applicants for admission” definition) AND who are attempting to obtain lawful admission to the

United States.” *J.A.M.*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *2. Because Yefri is not currently seeking admission OR an applicant for admission, the plain language of the statute clearly reflects why he cannot be subject to mandatory detention under Section 1225(b)(2).

b. Respondents’ recent interpretations of Sections 1226(a) and 1225(b)(2) violate the canon against surplusage.

53. The canon against surplusage—“constru[ing] the statute ‘so that effect is given to all its provisions’”—also weighs strongly against the government’s novel interpretation of 8 U.S.C. § 1225(b)(2), under which “a large part of the INA’s statutory scheme would be rendered superfluous.” *Aguirre Villa*, No. 5:25-CV-89, 2025 WL 3095969, at *6, 8 (citing *Corley v. United States*, 556 U.S. 303, 314 (2009)). And “the canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.” *Helbrum v. Williams Olson*, No. 4:25-CV-00349-SHL-SBJ, 2025 WL 2840273, at *6 (S.D. Iowa Sept. 30, 2025) (citing *Marx v. Gen. Rev. Corp.*, 568 U.S. 371, 386 (2013)).

54. First of all, the government’s “construction of § 1225(b)(2) would make § 1226(a) essentially irrelevant, as nearly every noncitizen in the United States would be subject to mandatory detention. . . . largely nullify[ing] § 1226(a) because ‘it is not clear under what circumstances § 1226(a)’s authorization of detention on a discretionary basis would ever apply.” *Aguirre Villa*, No. 5:25-CV-89, 2025 WL 3095969, at *8. The fact that in 1996 as part of IIRIRA, Congress also adopted an “‘express exception’ to Section 1226(a)’s discretionary framework” through the mandatory detention provisions of Section 1226(c) ‘implies that there are no *other* circumstances under which’ detention is mandated for noncitizens, like [Yefri] who are subject

to Section 1226(a).” *Contreras-Cervantes v. Raycraft*, No. 2:25-CV-13073, 2025 WL 2952796, at *8 (E.D. Mich. Oct. 17, 2025)) (citing *Jennings*, 583 U.S. at 300).

55. Relatedly, the government’s interpretation would “nullif[y] Congress’s recent amendment of the INA through the Laken Riley Act, codified at 8 U.S.C. § 1226(c)(1)(E).” *Hinojosa Garcia*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at *4. Under the government’s proposed interpretation of Section 1225(b)(2), “Section 1226(c)(1)(E)’s mandated detention for inadmissible noncitizens who are implicated in an enumerated crime, including those ‘present in the United States without being admitted or paroled,’ would be meaningless since ‘all noncitizens who have not been admitted’ would already be governed by 1225’s mandatory detention authority.” *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1258 (W.D. Wash. 2025) (internal citation omitted). The government’s interpretation would lead to an absurd result because, “[i]f mere inadmissibility already made detention of a resident noncitizen mandatory under Section 1225, the Laken Riley Act would have no effect,” despite Congress having just passed the Laken Riley Act earlier in 2025. *Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263 at *4. To that end, “the respondents’ interpretation would not only ‘render superfluous another part of the same statutory scheme,’ it would render superfluous an act amending that statutory scheme. . . . implicitly suggest[ing] that Congress passed Laken Riley for no good reason at all.” *Alvarez Ortiz v. Freden*, No. 25-CV-960-LJV, 2025 WL 3085032, at *9 (W.D.N.Y. Nov. 4, 2025).

56. Consequently, this Court should “not find that Congress passed the Laken Riley Act to ‘perform the same work’ that was already covered by § 1225(b)(2).” *Maldonado*, No.

25-CV-3142 (SRN/SGE), 2025 WL 2374411, at *12. In order to avoid violating the canon against surplusage in relation to these other provisions of Section 1226, this Court should reject the government's baseless interpretation of Section 1225(b)(2) as not applying to noncitizens such as Yefri, who are actually detained under Section 1226(a) and therefore eligible for bond.

- c. **The Supreme Court's well-established case law, the legislative history of the INA, and longstanding agency practice also weigh against the Government's erroneous interpretation of Sections 1225(b)(2) and 1226(a).**

57. On this issue, "the legislative history and case law" also support Yefri's position as being detained under Section 1226(a) and eligible for bond, because "DHS's new interpretation flies in the face of the . . . historical understanding of the INA." *Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263 at *3, 4. By blatantly departing from the Supreme Court's longstanding precedent, the INA's legislative history, and the agency's long-established practice up to July 2025, the government's interpretation of Sections 1225(b)(2) and 1226(a) are erroneous and cannot be applied in this manner to justify Yefri's mandatory detention without bond.

58. For decades, the Supreme Court has observed that "our immigration laws have long made a distinction between those [noncitizens] who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality. In the latter instance the Court has recognized additional rights and privileges not extended to those in the former category who are merely 'on the threshold of initial entry.'" *Hinojosa Garcia*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at *4 (quoting *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)). Along those same lines, noncitizens physically present within the U.S. are entitled to a greater level of due process protections because "once a[] [noncitizen] enters the country, the

legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* (citing *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)).

59. Applying these more general principles to Sections 1225 and 1226, the Supreme Court has explicitly “framed § 1225 as part of a process that ‘generally begins at the Nation’s borders and ports of entry, where the Government must determine whether a [noncitizen] seeking to enter the country is admissible,” and, in contrast, “describe[d] § 1226 as governing ‘the process of arresting and detaining’ noncitizens who are living ‘inside the United States’ but ‘may still be removed,’ including noncitizens ‘who were inadmissible at the time of entry.’” *Rosado*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *8 (citing *Jennings*, 583 U.S. at 287). The *Jennings* Court also “explained that Section 1225 ‘authorizes the Government to detain certain [noncitizens] seeking admission into the country[,]’ while Section 1226 ‘authorizes the Government to detain certain [noncitizens] already in the country pending the outcome of removal proceedings[.]’” *Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263 at *4. While the Supreme Court did not explicitly rule on the exact legal question at issue in this petition, these decisions nevertheless reflect why Section 1226(a) is the applicable detention statute for noncitizens like Yefri who had previously entered the U.S. without inspection and then been physically present in the U.S. for years.

60. Second, the legislative history of the INA—including Sections 1225(b)(2) and 1226(a)—similarly weighs against the government’s new interpretations of those

provisions. Prior to the passage of IIRIRA in 1996, the provision that preceded Section 1226(a), 8 U.S.C. § 1252(a), included a provision for “discretionary release on bond” for “noncitizens residing in the United States, who had previously entered without inspection.” *Maldonado*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411, at *11 (citing 8 U.S.C. § 1252(a) (1994)). When Congress amended the INA through the IIRIRA in 1996, the resulting Conference Report explained twice that Section 1225 would apply to “[noncitizens] *arriving in* the United States,” while also noting that “section 236(a) [8 U.S.C. § 1226(a)] restates the current provisions in [the former] section 242(a)(1) [8 U.S.C. § 1252(a)(1)] regarding the authority of the Attorney General to arrest, detain, and release on bond a[] [noncitizen] who is not lawfully in the United States.” H.R. Conf. Rep. No. 104-828 at 208, 209, 210 (1996) 210 (emphasis added). Additionally, the government’s proposed interpretation of Sections 1225(b)(2) and 1226(a) would effectively “nullif[y] Congress’s recent amendment of the INA through the Laken Riley Act,” which had amended Section 1226(c) by “mandat[ing] detention of noncitizens who meet certain criminal and inadmissibility criteria.” *Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263, at *4 (M.D. Fla. Nov. 7, 2025). These data points from the INA’s legislative history all indicate why Congress never intended for the absurd result that would flow from the Government’s present interpretation of Sections 1225(b)(2) and 1226(a).

61. Finally, the government’s novel interpretation of Sections 1225(b)(2) and 1226(a) are utterly inconsistent with “the application of a statute, adoption of regulations, and a long-standing practice that remained uniform for approximately 29 years after the IIRIRA was enacted in 1996.” *Guaita Quinapanta v. Bondi*, No. 25-CV-795-WMC,

2025 WL 3157867, at *5 (W.D. Wis. Nov. 12, 2025). This Court should not accept “DHS’s new reading of the INA which upends decades of consistent agency practice, and subjects millions of individuals to mandatory detention.” *Berto Mendez v. Noem*, No. 2:25-CV-02062-RFB-MDC, 2025 WL 3124285, at *7 (D. Nev. Nov. 7, 2025). Instead, longstanding practices weigh heavily in favor of interpreting Sections 1225(b) and 1226 to find that Yefri, and other similarly situated noncitizens, are detained under Section 1226(a) and therefore eligible for a bond hearing before an IJ.

d. Yefri’s Special Immigrant Juvenile Status further demonstrates why he is being detained under Section 1226(a), not Section 1225(b)(2).

62. Yefri’s Special Immigrant Juvenile Status is yet another factor that weighs in favor of why he must be considered detained under Section 1226(a) and eligible for a bond hearing. SIJ Status is a protective classification that entitles an individual to an array of statutory and regulatory protections, including specifically, a bond hearing to satisfy minimum due process rights. *Lopez Sarmiento v. Perry*, No. 1:25-CV-01644-AJT-WBP, 2025 WL 3091140, at *3 (E.D. Va. Nov. 5, 2025).

63. Special Immigrant Juveniles are a hair’s breadth away from adjusting status to that of a legal permanent resident, and therefore, they are entitled to enjoy at least minimum due process rights. *Id.* To further protect SIJ designees, Congress enacted legislation to remove barriers to adjustment of status, like waiving certain grounds of inadmissibility and conferring parole under 8 U.S.C § 1255(h). Specifically, SIJs are exempt from inadmissibility for being present without admission or parole and having entered without the appropriate entry documents. *Id.*

64. Moreover, many SIJ designees are eligible for social benefits such as educational assistance or healthcare, intended to help them build a secure life in the United States.

8 U.S.C. § 1232(d)(4)(A). The legislation highlights congressional intent that SIJ recipients be allowed strengthen their ties to the U.S. while awaiting adjudication of their residency. *Rodriguez v. Perry*, 747 F. Supp. 3d 911 (E.D. Va. 2024).

65. Congress enacted these robust procedural protections to ensure that Special Immigrant Juveniles, like Yefri, do not have their status revoked without good cause. *Lopez Sarmiento v. Perry*, 2025 WL 3091140 (2025).

66. In light of the special protections and benefits Congress grants SIJ designees, the fact that Respondents are subjecting Yefri to mandatory detention under 8 U.S.C § 1225(b) simply does not make sense. Detention imposes a significant hurdle to adjustment of status that defeats the purpose of Congress having explicitly amended the INA to parole SIJS recipients, waive many common grounds of inadmissibility, and provide access to social benefits. Finally, detention would violate Yefri's procedural and substantive due process rights.

67. Additionally, Yefri's SIJ status "'bespeak[s] a substantial legal relationship between [him] and the United States—a relationship far more significant than' the relationship possessed between an initial entrant into this country.'" *Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150, at *16 (W.D. Pa. Oct. 23, 2025). Yefri "was here for over four years when Respondents detained him in" December 2025 and does not have a criminal record, reflecting that he has "not violated either the public confidence placed in [him] or the benefit conferred upon [him] via [his] SIJ Status," but rather "ha[s] begun making meaningful and substantial connections to this country." *Id.* All of these factors heavily weigh in favor of holding that "so long as [Yefri] is re-detained while

he possesses SIJ Status and no criminal record, he may only be detained pursuant to § 1226(a), not § 1225.” *Id.*

68. Yefri’s SIJ status supports that he is being detained under Section 1226(a), not Section 1225(b)(2), and reinforces why this Court should urgently order that he receive an immediate bond hearing.

e. This Court Should Grant Habeas Relief Because Petitioner Is a Member of the Bautista Bond Eligible Class and the United States Is Bound by the Class wide Declaratory Judgment

69. On November 20, 2025, the district court granted partial summary judgment in favor of the named plaintiffs, and on November 25, 2025, certified a nationwide class and expressly extended its declaratory judgment to all members of that class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).

70. The court declared that members of the Bond Eligible Class are detained pursuant to 8 U.S.C. § 1226(a) and therefore may not be denied consideration for release on bond under 8 U.S.C. § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

71. Petitioner Yefri is a member of the certified Bond Eligible Class because he:

- a. lacks lawful status and is detained at the Karnes County Processing Center following apprehension on December 12, 2025;
- b. entered the United States without inspection, was not apprehended upon arrival, and was transferred to the Office of Refugee Resettlement; and
- c. is not detained under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231.

72. The United States was a party to *Maldonado Bautista* and the district court certified a nationwide class and extended declaratory relief to that class, the Government is bound by the court's determination as to the statutory basis for detention of Bond Eligible Class members. Petitioner, as a class member, is entitled to the benefit of that judgment.

73. This case does not implicate the bar on non-mutual offensive collateral estoppel against the Government articulated in *United States v. Mendoza*, 464 U.S. 154 (1984). *Mendoza* concerns attempts by nonparties to preclude the Government from relitigating legal issues decided in earlier cases involving different parties. *Id.* at 159–62. Here, by contrast, the United States was a party to the prior litigation, and Petitioner is bound together with the named plaintiffs through certified class membership.

74. Accordingly, application of the *Maldonado Bautista* declaratory judgment does not “freeze the first final decision rendered on a particular legal issue,” *id.* at 160, but rather enforces a class wide judgment that the Government itself litigated and lost. See *Montoya Cabanas v. Bradford*, No. 4:26-cv-00032 (S.D. Tex. Jan. 4, 2026). Under Rule 23 and settled principles of res judicata, the Government may not relitigate Petitioner's statutory detention authority.

f. This Court should excuse exhaustion of administrative remedies because doing so would be futile.

75. “Plaintiffs need not exhaust administrative remedies if ‘the administrative body is shown to be biased or has otherwise predetermined the issue before it.’ *Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263, at *3 (citing *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992)). Here, although Yefri requested for a bond hearing on January 20, 2026 before the agency and received a perfunctory denial, even “[r]equiring [him] to make an administrative request for a bond hearing would be futile

because the result is predetermined by *Yajure Hurtado*.” *Hinojosa Garcia*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at *3. Under these circumstances, where it is already clear that Respondents will erroneously contend that Yefri is mandatorily detained under Section 1225(b)(2) and therefore categorically ineligible for bond under *Yajure Hurtado*, this Court should “find[] good cause to excuse exhaustion” before the BIA. *Vasquez Carcamo*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263, at *3.

B. Alternately, Respondents lack legal authority to detain Yefri as a SIJS recipient.

76. When Congress established Special Immigrant Juvenile Status, it exempted SIJS recipients from several grounds of removability from the United States. *See* 8 U.S.C. § 1227(c) (“Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), and (3)(A) of subsection (a) shall not apply to a special immigrant described in section 1101(a)(27)(J) of this title based upon circumstances that existed before the date the [non-citizen] was provided such special immigrant status.”).

77. The removability grounds with which Yefri is charged in his most recent NTA, are 8 U.S.C. § 1182(a)(6)(A)(i), which renders noncitizens who are present in the United States “without being admitted or paroled” inadmissible, and 8 U.S.C. § 1182(a)(7)(A)(i)(I), which renders noncitizens who are not in possession of a valid immigrant visa or other entry document inadmissible. *See* Ex. 5. But federal law explicitly states that these grounds “*shall not apply* to a special immigrant.” *See* 8 U.S.C. § 1227(c) (including “Paragraph [1227(a)](1)(A)” (describing noncitizens who were inadmissible at the time of entry or adjustment of status) among removability grounds that “shall not apply” to Special Immigrant Juveniles).

78. Accordingly, “although a juvenile with SIJ status can be removed on certain grounds, such as having been convicted of a serious criminal offense, he cannot be removed for having entered the country illegally.” *Rodriguez*, 2024 WL 4024047, at *4. The fact that Yefri has been granted deferred action on account of his SIJS, *see* Ex. 3, further illustrates the impropriety of his current removal proceedings.
79. To the extent that ICE lacks legal authority to continue pursuing removal proceedings against Yefri as a SIJS recipient, it also necessarily lacks the authority to detain him “pending a decision” in those invalid removal proceedings. 8 U.S.C. § 1226(a). Without a legal basis for Respondents to detain Yefri, this Court should order his immediate release from Respondents’ custody.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE INA AND APA

80. The preceding paragraphs are incorporated by reference.
81. Since Yefri is not an applicant for admission “seeking admission” or “an arriving alien” under Section 1225(b)(2) and has no disqualifying criminal arrests or convictions under Section 1226(c), he is entitled to a bond hearing by an immigration judge pursuant to Section 1226(a). The application of Section 1225(b)(2) to Yefri unlawfully mandates his continued detention and violates the INA by depriving him of the rights he should be afforded under Section 1226(a). To the extent that DHS asserts that *Yajure Hurtado* nevertheless requires his mandatory detention under Section 1225(b)(2), the BIA’s interpretation in that case is ultra vires and in conflict with the careful balance of factors

clearly established in the INA in regard to bond eligibility, and not subject to deference. *See Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Such an agency action also violates the Administrative Procedure Act, as it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. 5 U.S.C. § 706(2)(A)-(C).

COUNT II

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

82. The preceding paragraphs are incorporated by reference.

83. The Due Process Clause’s guarantee to substantive due process prohibits the government from infringing upon certain “fundamental” liberty interests, “unless the infringement is narrowly tailored to support a compelling government interest.” *Reno v. Flores*, 507 U.S. 292, 302 (1993). It applies to “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

84. 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*, 533 U.S. at 690.

85. Under the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), categorically denying Yefri bond based on *Matter of Yajure Hurtado* violates procedural due process for several reason, including but not limited to:

- b. The burden on the Government is low, as until DHS’s very abrupt re-interpretation of the INA in *Yajure Hurtado*, IJs regularly conducted bond

hearings for noncitizens like Yefri, and the IJs weighed individualized risks appropriately as required by the INA. The Government's burden to do what it had done for decades prior to its abrupt change in policy does not justify any additional weight given to this factor.

- c. The risk of erroneous deprivation of liberty is extremely high, as the very purpose of the new interpretation is to categorically deprive people such as Yefri from the opportunity to prove, as required by the INA, that release from detention on bond is appropriate.
- d. Yefri has a fundamental interest in liberty and being free from arbitrary official restraint. The government's detention of Yefri without a bond hearing to determine whether he is a flight risk or danger to others violates his right to due process, and this Court should remedy that violation by promptly ordering that he receive a bond hearing before an IJ.

**VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C.
§ 1226(A)—No Authority to Detain**

86. 8 U.S.C. § 1226(a) authorizes immigration detention only during pending removal proceedings.

87. There are no valid removal proceedings currently pending against Yefri because he cannot be removed on the grounds with which he is currently charged. Therefore, Respondents have no legal authority to detain him. *See* 8 U.S.C. § 1227(c).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;

- b. Issue, *sua sponte*, an Order to Show Cause directing Respondents to demonstrate why the relief sought in this Petition should not be granted.
- c. Order, under the All Writs Act, 28 U.S.C. § 1651, that Respondents not transfer Petitioner outside of the jurisdiction of the U.S. District Court for The Western District Of Texas San Antonio Division during the pendency of this petition;
- d. Declare that Petitioner's detention is unlawful, and he is not an applicant for admission or "seeking admission" under 8 U.S.C. § 1225(b)(2) subject to mandatory detention, and that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);
- e. Declare that Respondents' actions, as set forth herein, violate Petitioner's due process rights;
- f. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- g. Order Respondents to produce all records relating to decisions on his arrest and detention held by Respondents, including all records bearing upon the "true cause of [Petitioner's] detention";
- h. Award Petitioner reasonable fees under the Equal Access to Justice Act, 5 U.S.C. § 504;
- i. Grant any other further relief this Court deems just and proper.

Respectfully submitted,

Dated: January 28, 2026

/s/ Daniela Fletes

Daniela Fletes

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 28, 2026

Respectfully submitted,

/s/ Daniela Fletes
Counsel for Petitioner