

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LANTIGUEZ ALVARADO, Isaac,

Petitioner,

v.

**BONDI, Pamela,
in her official capacity as Attorney
General, U.S. Department of Justice;**

**NOEM, Kristi,
in her official capacity as Secretary,
U.S. Department of Homeland
Security;**

**FRANCIS, LaDeon,
in his official capacity as Director, New
York Field Office, U.S. Immigration
and Customs Enforcement, U.S.
Department of Homeland Security;
and**

**ARTETA, Paul,
in his official capacity as Warden,
Orange County Jail,**

Respondents.

Civil Action No. 1:26-cv-768

**Petition for Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2241**

INTRODUCTION

1. The circumstances of Isaac Jesus Lantiguez Alvarado warrant habeas relief. Isaac entered the United States on or around December 29, 2023, fleeing persecution in Venezuela, and has lived here ever since. Isaac is a twenty-one-year-old asylum seeker and a loving son, brother, partner, and father. He has complied with all immigration requirements since he entered the United

States and was detained while attending a routine biometrics appointment in connection to his application for a work permit based on his pending asylum case.

2. The U.S. Department of Homeland Security (“DHS” or “Department”) detained Isaac on or about September 8, 2025. The Department purports to hold Isaac under 8 U.S.C. § 1225(b)(2)(A), a mandatory detention statute, under a drastic about-face from decades of prior precedent and practice. The Executive Office for Immigration Review (“EOIR”), which adjudicates immigration matters, recently adopted the same drastic reinterpretation. In *Matter of Yajure Hurtado*, EOIR held that noncitizens who have entered the United States without inspection are mandatorily detained under Section 1225(b)(2)(A). *See* 29 I. & N. Dec. 216, 228 (BIA 2025). DHS and EOIR’s new interpretation has been widely rejected by district judges around the country, including within this Circuit.

3. Isaac respectfully seeks a writ of habeas corpus to remedy Respondents’ ongoing statutory and constitutional violations. Respondents are mistaken that Isaac is subject to 8 U.S.C. § 1225(b)(2)(A)-detention. He is instead subject to 8 U.S.C. § 1226(a)-detention. Isaac is entitled to statutory relief under the INA, because he is eligible for immediate release or, at a minimum, a burden-shifted custody redetermination hearing as a Section 1226(a)-detained noncitizen; and the APA, because DHS and EOIR’s actions are arbitrary, capricious, and contrary to law. He is also entitled to constitutional relief because his detention without any process impermissibly infringes upon his core liberty interest in being free from unwarranted government detention.

PARTIES

4. Petitioner Isaac Jesus Lantiguez Alvarado is a native of Venezuela. He arrived in the United States on or around December 29, 2023, and presented himself to immigration officials to seek asylum immediately upon entry. On January 5, 2024, the Department released Isaac on

his own recognizance and served him with a Notice to Appear, which it then filed with EOIR on February 1, 2024, initiating removal proceedings. On September 8, 2025, the Department re-detained Isaac. Isaac is currently being held at the Orange County Jail.

5. Respondent Pamela Bondi is sued in her official capacity as the U.S. Attorney General. Attorney General Bondi and the Department of Justice oversee the administration of the Executive Office for Immigration Review, which includes the Board of Immigration Appeals and the Immigration Courts.

6. Respondent Kristi Noem is sued in her official capacity as Secretary of the U.S. Department of Homeland Security. Secretary Noem and the Department of Homeland Security oversee U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services. She and her agents are responsible for making immigration detention decisions.

7. Respondent LaDeon Francis is sued in his official capacity as the Director of U.S. Immigration and Customs Enforcement's New York Field Office. Director Francis and the New York Field Office are responsible for the administration of the Orange County Jail.

8. Respondent Paul Arteta is sued in his official capacity as the Warden of the Orange County Jail. Respondent is the immediate custodian of Petitioner's detention. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).

JURISDICTION AND VENUE

9. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or invasion the public Safety may require."). It also has jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 2241 (habeas corpus).

10. The Court further has jurisdiction to grant declaratory and associated relief under the Declaratory Judgment Act, 28 U.S.C. § 2202, and to set aside improper agency action under the APA, 5 U.S.C. § 706(2).

11. Venue is proper in the U.S. District Court for the Southern District of New York because Isaac is detained in Goshen, New York, which is located within the Southern District's geographic jurisdiction. 28 U.S.C. § 1391(e); *see also Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (“For ‘core habeas petitions,’ ‘jurisdiction lies in only one district: the district of confinement.’”) (quoting *Padilla*, 542 U.S. at 443).

12. Venue is proper because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Isaac's claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

13. 28 U.S.C. § 2243 instructs courts, sitting in habeas, to either grant a petition for writ of habeas corpus or order respondents to show cause. 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 application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

Austin Nielsen-Reagan ¶¶ 8–9. On September 5, 2025, Isaac agreed to a plea bargain and was sentenced to a \$75 fine. Ex. A, Decl. of Austin Nielsen-Reagan ¶¶ 8–9. The Department lodged a detainer against Isaac and then detained him on September 8, 2025. *Id.* ¶ 10.

18. Isaac remains detained at the Orange County Jail. *Id.* He has not received a bond hearing since the start of his detention. *Id.*

LEGAL FRAMEWORK

19. Due process demands “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs [an] individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This is especially crucial in civil detention settings. *See e.g., Addington v. Texas*, 441 U.S. 418, 425 (1979) (“This Court repeatedly has recognized that civil commitment for any purposes constitutes a significant deprivation of liberty that requires due process protection.”) (internal citations omitted).

20. The only two valid purposes justifying immigration detention are to mitigate risks of danger to the community and to prevent flight. *See Demore v. Kim*, 538 U.S. 510, 531 (2003) (Kennedy, J., concurring). Both interests must be carefully scrutinized to ensure that detention is absolutely necessary. *See Zadvydas*, 533 U.S. at 690 (“[W]here detention’s goal is no longer practically attainable, detention no longer bears a reasonable relation to the purpose for which the individual was committed.”) (citation, quotation marks, and alterations omitted). Immigration detention must be evaluated with consideration for a noncitizen’s current—rather than past—risks of danger to the community or flight. *See Chi Thon Ngo v. I.N.S.*, 192 F.3d 390, 398 (3d Cir. 1999), *amended* (Dec. 30, 1999) (“The process due even to excludable [noncitizens] requires an opportunity for an evaluation of the individual’s *current* threat to the community and his risk of flight.”) (emphasis added).

21. DHS’s exercise of detention authority must be rooted in a specific statutory provision. *See, e.g., Yao v. Almodovar*, 25-cv-9982, 2025 WL 3653433, at *2 (S.D.N.Y. Dec. 17, 2025). As relevant to Isaac’s case, the Department’s options include 8 U.S.C. § 1226(a), which permits detention “pending a decision on whether the [noncitizen] is to be removed from the United States[,]” and 8 U.S.C. § 1225(b)(2)(A), which mandates the detention of noncitizens who are “applicants for admission” and who are “seeking admission.” Section 1226(a)-detained noncitizens are entitled to a bond hearing. *See Cardenas v. Almodovar*, 25-cv-9169, 2025 WL 3215573, at *2 (S.D.N.Y. Nov. 18, 2025). Section 1226(a) is “‘the default rule’ for detaining and removing [individuals] ‘already present in the United States.’” *Hasan v. Crawford*, No. 25-cv-01408, 2025 WL 2682255, at *6 (E.D. Va. Sept. 19, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018)).

22. The Department currently holds Isaac pursuant to its 8 U.S.C. § 1226(a) detention authority.² Like many other petitioners whose cases this Court has recently examined, Isaac was not “seeking admission” at the time of his September 8, 2025 detention. *See, e.g., Tumba Huamani v. Francis*, 25-cv-8110, 2025 WL 3079014, at *5–6 (S.D.N.Y. Nov. 4, 2025); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 498–99 (S.D.N.Y. 2025). Because he was not “seeking admission” at the time DHS detained him, he cannot be subject to 8 U.S.C. § 1225(b)(2)(A)-detention. *Yao*, 2025 WL 3653433, at *10.

² The September 8, 2025 detainer and transfer from the Bureau of Prisons to Immigration and Customs Enforcement custody does not change this analysis. Isaac has a single criminal conviction for illegal entry under 8 U.S.C. § 1325(a)(1). He was sentenced to a \$75 fine. This conviction is not a crime involving moral turpitude, drug offense, aggravated felony, firearm offense, espionage offense, terrorism offense, or any other offense that triggers mandatory detention under 8 U.S.C. § 1226(c).

23. DHS and EOIR’s contrary interpretation of the immigration detention statutes defies plain statutory text. See U.S. Immigr. & Customs Enf’t, *Interim Guidance Regarding Detention Authority for Applicants for Admission* (July 8, 2025), <https://perma.cc/9438-389Y> (instructing DHS agents to treat all noncitizens who entered the country without inspection as “applicants for admission” who are “seeking admission”); *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 220 (instructing IJs to adopt the same interpretation). “Admission” is defined by the INA as the “lawful entry” of a noncitizen “after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13)(A). And “seeking”—which is not defined in the INA—“means asking for or trying to acquire or gain.” *Alvarez Ortiz v. Freden*, --- F. Supp. 3d ---, 2025 WL 3085032, at *6 (W.D.N.Y. Nov. 4, 2025) (citing Merriam-Webster Dictionary, *Seeking*, <https://perma.cc/Z924-GRQW>) (cleaned up). The conjunctive meaning of “seeking admission” is thus the act of “asking for or trying to acquire or gain” “lawful entry” into the United States. *Id.* (citing Merriam-Webster Dictionary, *Seeking*); 8 U.S.C. § 1101(a)(13)(A). The use of the present participle, “seeking,” embodies the separate concept that the noncitizen *continue* to want to *go into* the United States,” *Yao*, 2025 WL 3653433, at *5 (internal citation omitted) (emphasis in original), meaning Section 1225(b)(1)(A) applies only to those noncitizens “actively seeking admission into the country,” *Lopez Benitez*, 795 F. Supp. 3d at 488 (internal quotation marks omitted).

24. Judges around the country,³ including from this Circuit,⁴ have soundly rejected DHS and EOIR’s new interpretation many times over in habeas proceedings much like this one. In addition, the Central District of California extended nationwide class relief, declaring as unlawful DHS’s application of 8 U.S.C. § 1225(b) to those, like Isaac, who entered the country without inspection. *Maldonado Bautista v. Santacruz*, No. 25-cv-01873, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025); *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, 2025 WL 3289861, at *5–11 (C.D. Cal. Nov. 20, 2025) (finding that DHS’s interpretation is wrong); *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, 2025 WL 3288403, at *9–10 (C.D. Cal. Nov. 25, 2025) (certifying class); *see also* Civil Mins., Order Grant’g Pet’r’s Ex Parte Appl. for TRO, *Baltazar v. Janecka*, No. 26-cv-19 (C.D. Cal. Jan. 16, 2026) (noting that “the current volume of habeas petitions and temporary restraining orders being filed can be attributed to Respondents’ deliberate

³ *See, e.g.,* *Ndiaye v. Jamison*, No. 25-cv-06007, 2025 WL 3229307, at *2–8 (E.D. Pa. Nov. 19, 2025); *Delgado Avila v. Crowley*, --- F. Supp. 3d ---, 2025 WL 3171175, at *2–4 (S.D. Ind. Nov. 13, 2025); *Sharon S. v. Chestnut*, No. 25-cv-01427, 2025 WL 3167826, at *4–8 (E.D. Cal. Nov. 12, 2025); *Alvarez Ortiz v. Freden*, --- F. Supp. 3d ---, 2025 WL 3085032, at *4–10 (W.D.N.Y. Nov. 4, 2025); *Aguirre Villa v. Normand*, No. 25-cv-00089, 2025 WL 3095969, at *4–10 (S.D. Ga. Nov. 4, 2025); *Ventura Martinez v. Trump*, No. 25-cv-01445, 2025 WL 3124847, at *2 (W.D. La. Oct. 22, 2025); *Loa Caballero v. Baltazar*, No. 25-cv-03120, 2025 WL 2977650, at *4–8 (D. Co. Oct. 22, 2025); *Guerrero Orellana v. Moniz*, --- F. Supp. 3d ---, 2025 WL 2809996, at *2–9 (D. Mass. Oct. 3, 2025); *Rodriguez v. Bostock*, --- F. Supp. 3d ---, 2025 WL 2782499, at *16–18 (W.D. Wash. Sept. 30, 2025); *Lopez v. Hardin*, No. 25-cv-00830, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Beltran Barrera v. Tindall*, No. 25-cv-00541, 2025 WL 2690565, at *2–5 (W.D. Ky. Sept. 19, 2025); *Jimenez v. FCI Berlin, Warden*, --- F. Supp. 3d ---, 2025 WL 2639390, at *7–10 (D.N.H. Sept. 9, 2025); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *4–8 (E.D. Mich. Sept. 9, 2025); *Maldonado v. Olson*, --- F. Supp. 3d ---, 2025 WL 2374411, at *10–13 (D. Minn. Aug. 15, 2025); *Lopez Benitez v. Francis*, --- F. Supp. 3d ---, 2025 WL 2371588, at *2–9 (S.D.N.Y. Aug. 13, 2025).

⁴ *See, e.g.,* *Savane v. Francis*, No. 25-cv-6666, 2025 WL 2774452, at *5 (S.D.N.Y. Sept. 28, 2025); *J.G.O. v. Francis*, No. 25-cv-7233, 2025 WL 3040142, at *4 (S.D.N.Y. Oct. 28, 2025); *Rivera Esperanza v. Francis*, No. 25-cv-8727, 2025 WL 3513983, at *6 (S.D.N.Y. Dec. 8, 2025); *Tumba Huamani*, 2025 WL 3079014, at *5–6; *Cardenas v. Almodovar*, 25-cv-9169, 2025 WL 3215573, at *4 (S.D.N.Y. Nov. 18, 2025); *Lopez Benitez*, 795 F. Supp. 3d at 498–99; *Campbell v. Almodovar*, No. 25-cv-9509, 2025 WL 3538351, at *9 (S.D.N.Y. Dec. 10, 2025).

choice to continue defying the final judgment entered in *Bautista*”). At the time of filing, however, most IJs have taken the position that despite the declaration in *Maldonado Bautista* and hundreds of individual habeas decisions to the contrary, they must nevertheless persist in categorically denying bond under *Matter of Yajure Hurtado*’s rationale. See *Practice Alert: EOIR Issues Nationwide Guidance on Maldonado Bautista*, AILA Doc. No. 26011404, Am. Immigr. Laws. Ass’n (Jan. 16, 2026), <https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista> (last visited Jan. 28, 2026).

25. Because Isaac is detained under 8 U.S.C. § 1226(a), he is entitled to immediate release or, in the alternative, a bond hearing. See, e.g., *Lopez Benitez*, 795 F. Supp. 3d at 498–99.

CLAIMS FOR RELIEF

COUNT ONE:

ISAAC’S DETENTION VIOLATES THE IMMIGRATION AND NATIONALITY ACT

26. Petitioner Isaac Jesus Lantiguez Alvarado re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as if set forth herein.

27. Respondents violate the Immigration and Nationality Act by detaining Isaac under the wrong detention authority. Their application of 8 U.S.C. § 1225(b)(2)(A) is *ultra vires* and not in conformity with the INA.

28. Isaac has no adequate remedy at law for this violation.

COUNT TWO:

**ISAAC'S DETENTION VIOLATES
THE ADMINISTRATIVE PROCEDURE ACT**

29. Petitioner Isaac Jesus Lantiguez Alvarado re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as if set forth herein.

30. Respondents violate the Administrative Procedure Act by detaining Isaac under the wrong application of the immigration detention statutes. Their application of 8 U.S.C. § 1225(b)(2)(A)—rather than 8 U.S.C. § 1226(a)—to Isaac constitutes arbitrary, capricious, and unlawful agency action.

31. Isaac has no adequate remedy at law for this violation.

COUNT THREE:

**ISAAC'S DETENTION VIOLATES
THE DUE PROCESS CLAUSE OF THE U.S. CONSTITUTION**

32. Petitioner Isaac Jesus Lantiguez Alvarado re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as if set forth herein.

33. Respondents violate the U.S. Constitution by detaining Isaac without providing him the process he is due. U.S. Const. amend. V. Respondents detained Isaac without showing that he poses either a danger or flight risk, the only two valid bases for immigration detention. Respondents' procedures—or lack thereof—erroneously heighten the risk of subjecting Isaac to unjustified government detention. Because Isaac has a core interest in being free from custody, he is due immediate release.

34. Release is the customary remedy in habeas proceedings. *See* 28 U.S.C. § 2243 (the habeas shall “dispose of the matter as law and justice require.”); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (finding “that the traditional function of the writ is to secure release from illegal

custody”). The most appropriate remedy in a case like this, where Isaac was previously released to the community and has been re-detained in violation of both the INA and due process, is release on recognizance without further conditions of release.

35. Dozens of courts across the country have agreed. *See, e.g., Munoz Materano v. Arteta*, --- F. Supp. 3d ---, 2025 WL 2630826, at *20 (S.D.N.Y. Sept. 12, 2025) (ordering immediate release); *Chipantiza Sisalema v. Francis*, No. 25-cv-5528, 2025 WL 1927931, at *4 (S.D.N.Y. July 13, 2025) (same); *Rueda Torres v. Francis*, No. 25-cv-8408, 2025 WL 3168759, at *6 (S.D.N.Y. Nov. 13, 2025) (same); *Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025) (same); *Gonzalez Centeno v. Lowe*, No. 25-cv-2518, 2026 WL 94642, at *4 (M.D. Pa. Jan. 13, 2026) (same); *Feisal O. v. Noem*, No. 26-cv-81, 2026 WL 92857, at *3 (D. Minn. Jan. 13, 2026) (same); *Garcia Covarrubias v. Holston*, No. 25-cv-02445, 2026 WL 25970, at *4 (D. Nev. Jan. 5, 2026) (same); *Kenzhebaev v. Noem*, No. 25-cv-1786, 2025 WL 3737975, at *9 (W.D. Mich. Dec. 29, 2025) (same); *Kobilov v. O’Neill*, No. 26-cv-0058, 2026 WL 73475, at *3 (E.D. Pa. Jan. 8, 2026) (same, finding a bond hearing unnecessary where there was no record indication petitioner was a danger or flight risk); *Ortega-Aguirre v. Noem*, No. 25-cv-04332, 2025 WL 3684697, at *4 (S.D. Tex. Oct. 10, 2025) (same); *Bumbila Iza v. Arnott*, No. 25-cv-3392, 2026 WL 67152, at *5 (W.D. Mo. Jan. 8, 2026) (same); *see also Mata Velasquez v. Kurzdorfer*, --- F. Supp. 3d ---, 2025 WL 1953796 (W.D.N.Y. July 16, 2025) (ordering release and that petitioner could not be re-detained without a pre-deprivation hearing).

36. Release is the only appropriate remedy for the constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Petitioner’s arrest, which cannot be remedied by a post-deprivation hearing. *See Alfaro Herrera v. Baltazar*, No. 25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that petitioner had been

previously released to the community and holding a bond hearing would prolong his unlawful detention, “[r]espondents’ violations of Petitioner’s rights are best remedied by ordering Petitioner’s immediate release from immigration detention”); *Qasemi v. Francis*, No. 25-cv-10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing would not be an adequate remedy for the due process violations in petitioner’s sudden arrest and detention); *Crespo Tacuri v. Genalo*, No. 25-cv-6896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (ordering release, finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); *Moctezuma Macias v. Henkey*, No. 25-cv-741, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government’s repeated use of unlawful detention policies across the country, causing petitioners to “sit in jail waiting for a judicial decision,” the court would order immediate release instead of causing additional delay through a bond hearing).

37. Furthermore, a bond hearing in this case would be futile. Immigration judges across the country have been instructed to deny bond to all noncitizens who entered the United States without inspection. *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 220. The Department of Justice has actively and effectively punished immigration judges for granting bond following habeas petitions; for example, within the Annandale Immigration Court, Immigration Judges Donoso-Stevens and Choi were suddenly removed from the detained docket because they recognized the right of *Maldonado Bautista* class members to bond hearings. *Cf.* Joshua Goodman, *Military Lawyer Swiftly Fired from Immigration Bench After Defying Trump Deportation Push*, Times Union (updated Dec. 19, 2025), <https://www.timesunion.com/news/politics/article/military-lawyer-swiftly-fired-from-immigration-21252504.php>. Since then, replacement immigration judges have almost universally denied bond regardless of the merits.

38. In the alternative, should this Court decline to order immediate release, then Isaac is entitled to a bond hearing before a neutral arbiter. *See, e.g., Flores Pineda*, 2025 WL 2980729, at *3. At such a bond hearing, the proper allocation of risks compels the DHS to bear a clear and convincing evidentiary burden of showing Isaac’s re-detention is warranted—*i.e.*, that he poses a clear and convincing risk of danger to the community or of flight.⁵ *See Sharan S. v. Chestnut*, No. 25-cv-1427, 2025 WL 3167826, at *8–9, *12 (E.D. Cal. Nov. 12, 2025) (discussing that even individuals held under Section 1225(b) have a right to due process and ordering a bond hearing where DHS bears a clear and convincing evidentiary burden). Moreover, the Department is best positioned to supply any evidence to satisfy a clear and convincing burden that Isaac poses a significant enough danger or flight risk to justify his re-detention. Such records should be readily available to the government, and inexpensive to procure. *See, e.g., Velasco Lopez*, 978 F.3d at 855 (“DHS can access the records of other federal agencies and local law enforcement and routinely do so for purposes of [removal] proceedings.”).

39. Isaac has no adequate remedy at law for this violation.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court grant the following relief:

A. Assume jurisdiction over this matter;

⁵ The current procedures used for 8 U.S.C. § 1226(a)-authorized bond hearings, which place the burden on a noncitizen to prove that they are not a danger or a flight risk, are inadequate to remedy his due process violations and would be futile here. Immigration judges across the country have been instructed to deny bond to all noncitizens who entered the United States without inspection. *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 220. The Department of Justice has also effectively punished immigration judges for granting bond following habeas petitions. *Cf. Joshua Goodman, Military Lawyer Swiftly Fired from Immigration Bench After Defying Trump Deportation Push*, *Times Union* (updated Dec. 19, 2025), <https://www.timesunion.com/news/politics/article/military-lawyer-swiftly-fired-from-immigration-21252504.php>.

B. Grant a writ of habeas corpus directing Respondents to release Petitioner from further unlawful detention or, in the alternative, issue a conditional writ of habeas corpus requiring Respondents to provide Petitioner with an individualized bond hearing before a neutral arbiter (this Court or the immigration judge);

C. Use its authority under 28 U.S.C. § 2243 to:

- i. Issue an Order requiring Respondents to show cause within three days why this Petition should not be granted;
 - ii. Order the Respondents not to transfer Petitioner outside the Southern District of New York during the pendency of this Petition;
- and

D. Declare that Petitioner's detention is unlawful, and he is not subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A);

E. Grant any further relief that the Court deems just and proper.

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Respectfully Submitted,

DATED: January 29, 2026
Washington, DC

/s/ Megan E. Elman-Welch
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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. Petitioner and I have discussed the events described in this Petition. On the basis of these discussions, I hereby verify—pursuant to 28 U.S.C. § 1746—that the statements made in this Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 are true and correct to my knowledge.

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DATED: January 29, 2026
New York City, New York

/s/ Austin Nielsen-Reagan
Austin Nielsen-Reagan