

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

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FUNES MEJIA, DUGLAS)
)
Petitioner,)
)
v.)
)
TODD LYONS, in his official capacity as)
Acting Director)
U.S. Immigration and Customs Enforcement)
500 12th Street SW)
Washington, DC 20536)
)
CHARLES PARRA in his official capacity as)
Assistant Field Office Director,)
Krome North Service Processing Center)
18201 SW 12th Street)
Miami, FL 33194)
)
PAMELA BONDI, in her official capacity as)
Attorney General of the United States)
U.S. Department of Justice)
950 Pennsylvania Avenue NW)
Washington, D.C. 20530)
)
GARRET RIPA, in his official capacity as)
Field Office Director for the Miami Office of)
U.S. Immigration and Customs Enforcement)
Enforcement and Removal Operations)
18201 SW 12th Street)
Miami, Florida 33194)
)
KRISTI NOEM, in her official capacity as)
Secretary, U.S. Department Of Homeland Security)
2707 Martin Luther King Jr. Avenue SE)
Washington, D.C. 20528-0525,)
)
)
Respondents.)
)

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1) Petitioner respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28
3 U.S.C. § 2241, challenging his continued detention by U.S. Immigration and Customs
4 Enforcement (“ICE”) as unlawful and in violation of the Immigration and Nationality Act
5 (“INA”) and the Due Process Clause of the Fifth Amendment.

6 2) Petitioner is detained at the Broward Transitional Detention Center. Petitioner requested a
7 bond hearing, and it was determined that the Immigration Judge lacks jurisdiction under *Matter*
8 *of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). As a result, Petitioner has no meaningful
9 opportunity for release. His continued detention serves no legitimate government purpose and has
10 become unreasonably prolonged. Petitioner does not pose a danger to the community or a flight
11 risk, and the government has failed to demonstrate otherwise.

12 **JURISDICTION**

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14 3) Petitioner is in the physical custody of Respondents. Petitioner is detained at 3900 N
15 Powerline Road, Pompano Beach, FL 33073, petitioner is under the direct control of
16 Respondents and their agents.

17 4) This action arises under the Constitution of the United States and the Immigration and
18 Nationality Act , 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act (“APA”), 5
19 U.S.C. § 701, et seq. 4. This Court has jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of
20 the United States Constitution (Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is
21 presently in custody under alleged color of authority of the United States, and such custody is in
22 violation of the Constitution, laws, and/or treaties of the United States. This Court may grant
23 relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

1 **VENUE**

2 5) Venue is proper in the Southern District of Florida because the Petitioner is currently
3 detained at the Broward Transitional Center in Pompano Beach, Florida, which is located within
4 this Judicial district. A petition for writ of habeas corpus under 28 U.S.C § 2241 must be filed in
5 the district of the petitioner’s confinement.

6 **PARTIES**

7 1) Petitioner Funes Mejia Duglas is a male citizen and national of Hondura who has been
8 physically present in the United States since approximately January 15, 2004 . He was arrested
9 by ICE on or about November 20, 2025, and is currently detained at the Broward Transitional
10 Center. Under *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), Petitioner has no
11 meaningful opportunity for release.

12 2) Defendant Todd Lyons is the Acting Director of ICE, headquartered at 500 12th Street SW,
13 Washington, D.C. 20536. Mr. Lyons is responsible for the overall administration and
14 enforcement of immigration detention policies nationwide, including those governing the
15 custody of Petitioner. He is sued in his official capacity only.

16 3) Defendant ICE is the agency within DHS responsible for implementing and enforcing the
17 INA, including the detention and removal of noncitizens.

18 4) Defendant Garret Ripa is the Field Office Director of the Miami Field Office of U.S. ICE,
19 Enforcement and Removal Operations (“ERO”), located at 18201 SW 12th Street, Miami,
20 Florida 33194. In this capacity, he oversees operations at the Broward Transitional Center,
21 located at 3900 N. Powerline Road, Pompano Beach, Florida 33073. Mr. Ripa is the Petitioner’s
22 immediate custodian and has direct authority over his detention at Krome. He is sued in his
23 official capacity only.

1 5) Defendant Pamela Bondi is the Attorney General of the United States. The Attorney
2 General has supervisory authority over the Executive Office for Immigration Review (“EOIR”)
3 and the Board of Immigration Appeals (“BIA”), which adjudicate immigration proceedings
4 such as Petitioner’s. She is sued in his official capacity only.

5 6) Defendant EOIR is the federal agency responsible for implementing and enforcing the INA
6 in removal proceedings, including the custody redetermination in bond hearings.

7 7) Defendant Kristi Noem is the Secretary of the U.S. Department of Homeland Security. She
8 is responsible for the implementation and enforcement of the INA, and oversees ICE, which is
9 responsible for Petitioner detention. Defendant Noem has ultimate custodial authority over
10 Petitioners detention.

11 8) Defendant Department of Homeland Security is the federal agency responsible for
12 implementing and enforcing the INA, including the detention and removal of noncitizens.

13 **STATEMENT OF FACTS**

14 1) On November 12, 2025, Petitioner was issued a Notice to Appear. **(See Exhibit A).**

15 2) On February 4, 2026, Petitioner attended a Master Calendar hearing and Petitioner has filed
16 applications for relief with the Court, including an Application for Cancellation of Removal and
17 Adjustment of Status for Certain Nonpermanent Residents. **(See Exhibit B).**

18 3) Petitioner entered the at United States on or about January 15, 2004, and was not
19 apprehended at the border. Petitioner has remained in the United States since.

20 4) Petitioner is a 40-year-old male who provides primary financial support to his United States
21 citizen mother, born in 1955, who is 69 years old. She suffers from depression, anxiety, and
22 vascular conditions and is financially dependent on Respondent for her care and support. **(See**
23 **Exhibit C).**

1 5) Petitioner has no significant criminal history. His record consists of minor traffic-related
2 citations, including two citations for driving without a valid license, one citation for improper
3 backing, and one citation for operating a vehicle under unsafe conditions. On November 7, 2025,
4 Petitioner was arrested following a routine traffic stop for operating a motor vehicle without a
5 valid license. Following this arrest, Petitioner was transferred into the custody of Immigration
6 and Customs Enforcement without an arrest warrant. (See Exhibit D).

7 6) Petitioner has not filed a motion for bond because, under current controlling precedent,
8 such a motion would be futile. In *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025),
9 the Board determined that individuals situated like Respondent are subject to mandatory
10 detention and are ineligible for bond. Accordingly, Respondent lacks a genuine opportunity for
11 relief through administrative bond proceedings. Consistent with this principle, the Southern
12 District of Florida in *Puga v. Assistant Field Office Director, Krome North Service Processing*
13 *Center*, No. 25-24535-CIV, 2025 WL 2938369, at 5 (S.D. Fla. Oct. 15, 2025) (Altonaga, C.J.),
14 reaffirmed that exhaustion of administrative remedies is not required where “no genuine
15 opportunity for adequate relief exists” or where pursuing such remedies would be futile. See also
16 *Linfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982).

17 LEGAL FRAMEWORK

18 7) Habeas corpus is “perhaps the most important writ known to the constitutional law . . .
19 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
20 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for
21 the writ usurps the attention and displaces the calendar of the judge or justice who entertains it
22 and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*,
23 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

1 8) District Courts have the authority to grants writs of Habeas Corpus. See U.S.C § 2241(a).
2 Due Process Clause. Habeas corpus is fundamentally “a remedy for unlawful executive
3 detention.” *Munaf v. Geren* 553 U.S. 674, 677 (2008) (citation omitted).

4 9) A writ may be issued to a petitioner who demonstrates that he is being held in custody in
5 violation of the Constitution or federal law. See 28 U.S.C §2241(c)(3). Also See *Munaf*, 553
6 U.S. at 685.

7 10) District Courts jurisdiction extends to challenges involving immigration related detention.
8 See *Zadvydas v. Davis*, 533 U.S. 678,687 (2001).

9 11) The key question is whether Petitioners detention is governed by Section 8 U.S.C §
10 1225(b)(2), which mandates detention, or 8 U.S.C §1226(a), which allows for release on bond.
11 8 U.S.C § 1225(b)(2) mandates the detention of applicants for admission, “if the examining
12 immigration officer determines that an alien seeking admission is not clearly beyond a doubt
13 entitled to admission[.]”

14 12) The INA defines “admission” and “admitted” as “the lawful entry of the alien into the
15 United States after inspection and authorization by an immigration officer. 8 U.S.C.
16 §1101(a)(13)(A). By using the term “seeking admission,” 8 U.S.C. § 1225(b)(2) limits its
17 application to aliens actively attempting to lawfully enter the United States. This interpretation
18 is supported by 8 U.S.C. § 1225’s repeated reference to “arriving alien”¹ and the existence of 8
19 U.S.C. § 1226, a separate statute that allows for detention and removal of noncitizens already
20 present in the Country.

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23 ¹ “The term arriving alien means an applicant for admission or coming to attempting to come into the United States
24 at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in
international or United States waters and brought into the United States by any means, whether or not to be a
designated port-of-entry, and regardless of the means of transport.” 8 C.F.R §1001.1(q).

1 13) The Supreme Court discussed the difference between 8 U.S.C. § 1225 and 8 U.S.C. § 1226
2 in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Court explained that 8 U.S.C. § 1225
3 “authorized the Government to detain certain aliens seeking admission into the country [,]”
4 while 8 U.S.C. § 1226 authorizes the Government to detain certain aliens already present in the
5 United States pending the outcome of removal proceedings[.]” *Id* at 289.

6 14) The Supreme Court explained in *Leng May Ma v. Barber* that “our immigration laws have
7 long made a distinction between those aliens who have come to our shores seeking admission
8 ... and those who are within the United States after an entry, irrespective of its legality.” 357
9 U.S. 185, 187 (1958). Once an alien enters the country, the legal circumstance changes, for the
10 Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether
11 their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

12 15) Further, Congress again acknowledged that noncitizens present in the United States have
13 more substantial due process rights than new arrivals. See H.R. Rep. 104-469, p.1, at 163-66
14 (recognizing “that alien present in the U.S. has a constitutional liberty interest to remain in the
15 U.S., and that this liberty interest is most significant in the case of a lawful permanent resident
16 alien”). Following the amendment, federal regulations explained: “Despite being applicants
17 for admission, aliens who are present without having been admitted or paroled will be eligible
18 for bond and bond redetermination.” *Inspection and Expedited Removal of Aliens*, 62 Fed. Reg.
19 10312, 10323 (Mar. 6, 1997.).

20 16) On July 8, 2025, DHS announced a change of policy to its ICE employees stating that:
21 “An ‘applicant for admission’ is an alien present in the United States who has not been admitted
22 or who arrives in the United States, whether or not at a designated port of Arrival INA § 235(a)(1).
23 Effective immediately, it is the position of DHS that such aliens are subject to detention under
24

1 INA §235(b) and may not be released from ICE custody except by INA § 212(d)(5) parole.” See
2 **ICE MEMORANDUM:** Interim Guidance Regarding Detention Authority for Applicants for
3 Admission, AILA Doc. No. 25071607 (July 8, 2025) (emphasis in original).

4 17) The new policy was adopted in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

5 In *Matter of Yajure Hurtado*, the BIA reject the argument that a non-citizen who entered the
6 United States without inspection and has resided in the country for years is not “seeking
7 admission” under section 1225(b)(2). See *Yajure Hurtado* at 221. However, the new meaning
8 is inconsistent with its long-standing principal of statutory interpretation. History demonstrates
9 the label “applicant for admission: has not always been applied to every noncitizen present
10 without admission but was instead restricted to both temporal and geographical limits. DHS’s
11 and the Court’s current position that all noncitizens present without admission must be treated
12 under INA § 235 contradicts this historical practice and undermines the principal that congress
13 deliberately preserved distinct detention authorities under §§ 235 and 236.

14 18) Further, the Immigration Courts Reliance on the agency’s interpretation is inconsistent
15 with the Supreme Court’s Recent Decision in *Loper Bright Enterprises v. Raimundo*, 144 S. Ct.
16 2244 (2024). In *Loper Bright* the Court found that agency interpretation of ambiguous
17 provisions may still be considered, but they are no longer entitled controlling weight. *Id.*
18 Further, the interpretation conflates two distinct statutory schemes that Congress deliberately
19 separated.

20 INS § 235 governs inspection and detention of arriving aliens at or near the border while § 236
21 governs arrest and release of non-citizens apprehended inside the country and who are in
22 removal proceedings under § 240. To read § 235 so broadly as to do away with § 236 would
23 erase Congress’ deliberate preservation of discretionary bond authority in § 236. After *Loper*
24

1 *Bright*, courts must reject agency readings that collapse statutory distinctions and instead adopt
2 the interpretation that best reflects congressional design.

3 **19)** The Plain Structure of the INA demonstrates that Congress intended for INA § 236 bond
4 authority to remain intact. Congress recently created an amendment of the INA through the
5 *Laken Riley Act*, codified at 8 U.S.C § 1226(c)(1)(E), which subject certain individuals who
6 commit certain crimes and meet the inadmissibility criteria to be subject mandatory detention.
7 DHS's current interpretation nullifies Congress's recent amendment. If mere inadmissibility
8 already made detention of a resident noncitizen mandatory under Section 1225, the Laken Riley
9 Act would have no effect.

10 **20)** In addition, Petitioner brings this habeas action under this Court's own controlling
11 reasoning in *Puga v. Assistant Field Office Director, Krome North Service Processing Center*,
12 No. 25-24535-CIV, 2025 WL 2938369, at *5 (S.D. Fla. Oct. 15, 2025) (Altonaga, C.J.), where
13 the Court held that "the statutory text, context, and scheme of Section 1225 do not support a
14 finding that a noncitizen is 'seeking admission' when he never sought to do so." As in *Puga*,
15 Petitioner cannot be deemed to be "seeking admission" within the meaning of INA § 235.

16 Petitioner has continuously resided in the United States since 2004 and was arrested by ICE in
17 the interior of the country not while attempting to enter or reenter the United States. "Seeking
18 admission" is an active, contemporaneous act that occurs at the border or its functional
19 equivalent, not a perpetual status that follows a noncitizen for decades after entry.

20 **21)** As Interpreted by *Puga* § 1225 does not support treating long-term residents arrested inside
21 the United States as applicants for admission. Accordingly, Petitioner's detention is governed
22 by INA § 236(a), and he is entitled to an individualized bond hearing.

1 22) *Puga* further reaffirms that exhaustion of administrative remedies is not required where
2 “no genuine opportunity for adequate relief exists” or where an administrative appeal would
3 be futile. *See Linfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982). As in *Puga*, the
4 Petitioner here did not appeal the Immigration Judge’s bond decision to the Board of
5 Immigration Appeals, nor was he required to do so. Any request for bond would have been
6 futile because *Matter of Yajure Hurtado* is controlling precedent, and it is evident that
7 noncitizens (like the Petitioner) who have resided in the United States for years but were not
8 admitted or inspected are categorically subject to mandatory detention without bond under
9 INA § 235(b), 8 U.S.C. § 1225(b), upon review by the Board. *See Matter of Yajure Hurtado*,
10 29 I. & N. Dec. 216, 221 (B.I.A. 2025).

11
12 **CLAIMS FOR RELIEF**

13 **COUNT ONE – Violation of the Fifth Amendment Right to Due Process**

14 23) Petitioner realleges and incorporates by reference the allegations in all preceding
15 paragraphs as though fully set forth herein.

16 24) Petitioner alleges a violation of rights guaranteed by the Due Process Clause of the Fifth
17 Amendment. Because Petitioner is physically present within the United States, Petitioner is
18 entitled to full constitutional protections with respect to detention as he has been residing within
19 the United States since January 15, 2004.

20 25) The Fifth Amendment provides that “[n]o person” shall be “deprived of life, liberty, or
21 property, without due process of law.”

1 26) “Freedom from imprisonment—from government custody, detention, or other forms of
2 physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at
3 690.

4 27) Moreover, “[t]he Due Process Clause applies to all ‘persons’ within the United States,
5 including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.*
6 at 693.

7 28) Petitioner’s continued civil immigration detention imposed without an individualized
8 custody determination and based on an erroneous statutory classification constitutes unlawful
9 executive detention in violation of the Fifth Amendment. Accordingly, Petitioner’s ongoing
10 detention violates the Due Process Clause of the Fifth Amendment.

11 **COUNT TWO – Unlawful Denial of Release on Bond in Violation of 8 U.S.C. § 1226(a)**
12 **and its Bond Regulations.**

13 29) Petitioner realleges and incorporates by reference the allegations in all preceding
14 paragraphs.

15 30) Under 8 U.S.C. § 1226(a) individuals who are already present in the United States and
16 placed in removal proceedings under INA § 240 may be detained and released on bond or
17 conditional parole.

18 31) Respondents have unlawfully treated Petitioner as an “applicant for admission” subject to
19 mandatory detention under 8 U.S.C. § 1225(b), even though Petitioner is physically present in
20 the United States and thus governed by 8 U.S.C. § 1226. This classification contradicts the text
21 and structure of the INA, which distinguishes between (1) individuals seeking admission at or
22 near the border, governed by 8 U.S.C. § 1225, and (2) individuals already inside the country,
23 governed by 8 U.S.C. § 1226.
24

1 **32)** Congress deliberately preserved these two distinct detention authorities: 8 U.S.C. § 1225
2 governs border inspection; 8 U.S.C. § 1226 governs arrest and custody decisions for individuals
3 apprehended within the United States. Respondents' interpretation collapses this statutory
4 distinction and effectively nullifies 8 U.S.C. § 1226(a) discretionary bond framework.

5 **33)** Federal regulations expressly confirm that individuals present without admission remain
6 eligible for custody redetermination under Respondents' interpretation collapses this statutory
7 distinction and effectively nullifies 8 U.S.C. § 1226(a) discretionary bond framework. "Despite
8 being applicants for admission, aliens who are present without having been admitted or paroled
9 will be eligible for bond and bond redetermination." *Inspection and Expedited Removal of*
10 *Aliens*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

11 **34)** DHS's 2025 internal memorandum, and the BIA's adoption of that memo in *Matter of*
12 *Hurtado*, cannot override the statute or long-standing regulations. Under *Loper Bright*
13 *Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), agency interpretations of ambiguous statutory
14 provisions are no longer entitled to controlling weight, and courts must reject agency readings
15 that conflict with congressional design.

16 **35)** Further the APA provides that a "reviewing court shall ... hold unlawful and set aside
17 agency action, findings, and conclusions found to be... arbitrary and capricious, and abuse of
18 discretion, or otherwise not in accordance with law." 5 U.S.C § 706(2)A).

19 **36)** DHS's interpretation improperly eliminates 8 U.S.C. § 1226(a) by rendering all
20 inadmissible individuals mandatorily detained under 8 U.S.C. § 1225, an interpretation
21 incompatible with Congress's 2024 enactment of the Laken Riley Act, codified at 8 U.S.C. §
22 1226(c)(1)(E). Congress specifically added new mandatory-detention categories *within* 8

1 U.S.C. § 1226, confirming that 8 U.S.C. § 1226 remained the operative detention authority for
2 individuals already present inside the United States.

3 **37)** The unlawful classification of Petitioner as an “applicant for admission” not only
4 contradicts the statutory text but also deprives him of the discretionary custody review that
5 Congress intentionally reserved for individuals apprehended within the United States.
6 Respondents’ actions therefore exceed their statutory authority, in violation of 5 U.S.C. §
7 706(2)(C).

8 **38)** Respondents’ interpretation further violates the Administrative Procedure Act because it
9 constitutes arbitrary and capricious agency action. Respondents disregarded decades of
10 consistent agency practice, failed to account for reliance interests created by the established 8
11 U.S.C. § 1226(a) bond framework, and ignored the statutory amendments Congress enacted in
12 2024 with the Laken Riley Act confirming the continued significance of 8 U.S.C. § 1226.
13 Respondents’ unexplained reversal of long-standing policy fails to satisfy the reasoned
14 decision-making required by law.

15 **39)** Respondents’ miss application of 8 U.S.C. § 1225(b)(2) to Petitioner is contrary to
16 congressional intent and constitutes arbitrary, capricious, and unlawful agency action. By
17 disregarding the statutory framework Congress enacted in 8 U.S.C. § 1226(a), Respondents
18 have violated both the Administrative Procedure Act and the clear limits of their statutory
19 authority.

20 **PRAYER FOR RELIEF**

21 **WHEREFORE,**

22 A. Petitioner respectfully request that this Court:

23 1) Assume Jurisdiction over this matter;

