

1 Ana Ferreira Esq.
2 Ferreira Law
3 8100 Castor Avenue
4 Philadelphia, PA 19152
5 p. 267-521-2143
6 f. 267-599-0004
7 ana@anaferreiralaw.com

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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

LUIS OMAR ICHINA-LAGUA

Petitioner,

v.

Brian MCSHANE, Field Office Director of
Enforcement and Removal Operations,
Philadelphia Field Office, IMMIGRATION
AND CUSTOMS ENFORCEMENT;

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY;

Pamela BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW;

Jamal LAWRENCE, Warden of
PHILADELPHIA FEDERAL DETENTION
CENTER

Respondents.

Case No. 2:26-cv-640

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner, Luis Omar Ichina-Lagua, is in the physical custody of Respondents at
3 the Philadelphia Federal Detention Center. He now faces unlawful detention because the
4 Department of Homeland Security (DHS) and the Executive Office of Immigration Review
5 (EOIR) have concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, inter alia, having entered the United States without
7 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

8 3. Based on this allegation in Petitioner’s removal proceedings, DHS denied
9 Petitioner’s release from immigration custody, consistent with a new DHS policy issued on July
10 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider
11 anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without
12 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and
13 therefore ineligible to be released on bond.

14 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or
15 Board) issued a precedent decision, binding on all immigration judges, holding that an
16 immigration judge has no authority to consider bond requests for any person who entered the
17 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
18 The Board determined that such individuals are subject to detention under 8 U.S.C. §
19 1225(b)(2)(A) and therefore ineligible to be released on bond.

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration
21 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
22 were previously detained under § 1226(a) at their initial apprehension by ICE, were released on
23 their own recognizance pursuant to the same portion of the statute and are now residing in the
24

1 United States. Instead, upon re-arrest and detention by ICE, such individuals are still subject to §
2 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to
3 people who, like Petitioner, are charged as inadmissible for having entered the United States
4 without inspection and are residing inside the United States.

5 6. Respondents' new legal interpretation is plainly contrary to the statutory
6 framework and contrary to decades of agency practice applying § 1226(a) to people like
7 Petitioner.

8 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
9 from detention immediately.

10 8. In the alternative, Petitioner seeks a writ of habeas corpus requiring that
11 Respondents provide a bond hearing under § 1226(a) within seven days.

12 JURISDICTION

13 9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
14 Federal Detention Center in Philadelphia, Pennsylvania. *See Exhibit A – ICE Detainee Locator*
15 *Screenshot dated 1/30/2026.*

16 10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
17 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
18 Constitution (the Suspension Clause).

19 11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
20 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

1 **VENUE**

2 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
3 500 (1973), venue lies in the United States District Court for the Eastern District of
4 Pennsylvania, the judicial district in which Petitioner currently is detained.

5 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
6 Respondents are employees, officers, and agencies of the United States, and because a
7 substantial part of the events or omissions giving rise to the claims occurred in the Eastern
8 District.

9 **REQUIREMENTS OF 28 U.S.C. § 2243**

10 14. The Court must grant the petition for writ of habeas corpus or order Respondents
11 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
12 order to show cause is issued, Respondents must file a return “within three days unless for good
13 cause additional time, not exceeding twenty days, is allowed.” *Id.*

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

20 **PARTIES**

21 16. Petitioner is a citizen of Ecuador who has been in immigration detention since
22 January 28, 2026. After arresting Petitioner, ICE did not set bond, and Petitioner is unable to
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1 obtain review of his custody by an IJ, pursuant to the Board's decision in *Matter of Yajure*
2 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

3 17. Respondent Brian McShane is the Director of the Philadelphia Field Office of
4 ICE's Enforcement and Removal Operations division. As such, Brian McShane is Petitioner's
5 immediate custodian and is responsible for Petitioner's detention and removal. He is named in
6 his official capacity.

7 18. Respondent Kristi Noem is the Secretary of the Department of Homeland
8 Security. She is responsible for the implementation and enforcement of the Immigration and
9 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
10 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

11 19. Respondent Department of Homeland Security (DHS) is the federal agency
12 responsible for implementing and enforcing the INA, including the detention and removal of
13 noncitizens.

14 20. Respondent Pamela Bondi is the Attorney General of the United States. She is
15 responsible for the Department of Justice, of which the Executive Office for Immigration Review
16 and the immigration court system it operates is a component agency. She is sued in her official
17 capacity.

18 21. Respondent Executive Office for Immigration Review (EOIR) is the federal
19 agency responsible for implementing and enforcing the INA in removal proceedings, including
20 for custody redeterminations in bond hearings.

21 22. Respondent Jamal Lawrence is employed by the Bureau of Prisons as Warden of
22 the Federal Detention Center where Petitioner is detained. Mr. Lawrence has immediate physical
23 custody of Petitioner. He is sued in his official capacity.

1 **LEGAL FRAMEWORK**

2 23. The INA prescribes three basic forms of detention for the vast majority of
3 noncitizens in removal proceedings.

4 24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
5 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
6 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
7 while noncitizens who have been arrested, charged with, or convicted of certain crimes are
8 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

9 25. Second, the INA provides for mandatory detention of noncitizens subject to
10 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
11 referred to under § 1225(b)(2).

12 26. Last, the INA also provides for detention of noncitizens who have been ordered
13 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

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

15 28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
16 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
17 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section
18 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1,
19 139 Stat. 3 (2025).

20 29. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
21 that, in general, people who entered the country without inspection were not considered detained
22 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
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1 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
2 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 30. Thus, in the decades that followed, most people who entered without inspection
4 and were placed in standard removal proceedings received bond hearings, unless their criminal
5 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
6 with decades of prior practice, in which noncitizens who were not deemed “arriving” were
7 entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994);
8 *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
9 detention authority previously found at § 1252(a)). Even individuals who were apprehended at
10 the border and not immediately detained but placed in standard removal proceedings under 8
11 U.S.C. § 1229a, would historically have been considered detained under § 1226(a) should they
12 alter been detained in the interior of the U.S., and thus eligible for bond before an immigration
13 judge.

14 31. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
15 rejected well-established understanding of the statutory framework and reversed decades of
16 practice.

17 32. The new policy, entitled “Interim Guidance Regarding Detention Authority for
18 Applicants for Admission,”¹ claims that all persons who entered the United States without
19 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
20 policy applies regardless of when a person is apprehended and affects those who have resided in
21 the United States for months, years, and even decades.

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¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 33. On September 5, 2025, the BIA adopted this same position in a published
2 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
3 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are
4 ineligible for IJ bond hearings.

5 34. This followed a May 15, 2025, decision by the BIA holding an applicant for
6 admission arrested without a warrant while arriving in the United States and subsequently placed
7 into removal proceedings is detained under 8 U.S.C. § 1225(b). *Matter of Q. Li*, 29 I&N Dec. 66
8 (BIA 2025).

9 35. Since Respondents adopted their new policies, dozens of federal courts have
10 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected
11 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

12 36. Subsequently, court after court has adopted the same reading of the INA's
13 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Rodriguez*
14 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-CV-
15 11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-
16 11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v.*
17 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025),
18 *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133
19 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL
20 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025
21 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW
22 (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM,
23 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025

1 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF,
2 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-
3 JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-
4 KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
5 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
6 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
7 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
8 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
9 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
10 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
11 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2
12 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §
13 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
14 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
15 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

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

19 38. Section 1226(a) applies by default to all persons “pending a decision on whether
20 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
21 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

22 39. The text of § 1226 also explicitly applies to people charged as being inadmissible,
23 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
24

1 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
2 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress
3 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,
4 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*
5 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025
6 WL 1869299, at *7.

7 40. Section 1226 therefore leaves no doubt that it applies to people who face charges
8 of being inadmissible to the United States, including those who are present without admission or
9 parole.

10 41. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
11 recently entered the United States. The statute’s entire framework is premised on inspections at
12 the border of people who are “seeking admission” to the United States. 8 U.S.C.
13 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
14 applies “at the Nation’s borders and ports of entry, where the Government must determine
15 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
16 U.S. 281, 287 (2018).

17 42. Immigration officials and the Department of Justice (DOJ) have long taken the
18 position that immigration officials have broad discretion not to apply the detention and expedited
19 removal procedures § 1225(b), and whether to classify individuals encountered inside the United
20 States shortly after crossing the border as subject to § 1225(b) detention or § 1226(a) detention.
21 *See* Brief for Petitioners at 4-7 (No. 21-954), *Biden v. Texas*, 597 U.S. 785 (2022). The DOJ has
22 stated, “[t]he INA affords DHS multiple options for processing applications for admission,” and
23 that includes arrest and detention pursuant to § 1226(a). *See id.* at 4-5.

1 43. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not
2 apply to people like Petitioner, who were detained and released by ICE on their own
3 recognizance pursuant to § 1226(a) before being re-detained by ICE sometime later while living
4 in the United States.

5 **FACTS**

6 44. Petitioner has resided in the United States since March 28, 2022, when he entered
7 the United States as a minor. Petitioner lives in Philadelphia, Pennsylvania.

8 45. Petitioner has a pending asylum application before the Executive Office for
9 Immigration Review.

10 46. On January 28, 2026, Petitioner was arrested while at Home Depot. Petitioner
11 does not have any criminal history and was not detained for any specific infraction.

12 47. Petitioner is now detained at the Federal Detention Center in Philadelphia, PA.

13 48. Petitioner has never been criminally arrested or apprehended by law enforcement,
14 apart from his immigration arrest, and has become a valued member of his community.
15 Petitioner is neither a flight risk nor a danger to the community.

16 49. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
17 Petitioner's bond request because he entered the United States without inspection.

18 50. As a result, Petitioner remains in detention. Without relief from this court, he
19 faces the prospect of months, or even years, in immigration custody, separated from his extended
20 family and community.

21 **CLAIMS FOR RELIEF**

22 **COUNT I**
23 **Violation of the INA**

1 51. Petitioner incorporates by reference the allegations of fact set forth in the
2 preceding paragraphs.

3 52. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
4 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
5 relevant here, it does not apply to those who previously entered the country and were
6 apprehended pursuant to § 1226(a), placed in removal proceedings and released, and have been
7 residing inside the United States before their detention. Such noncitizens are detained under §
8 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

9 53. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
10 detention and violates the INA.

11 **COUNT II**
12 **Violation of the Bond Regulations**

13 54. Petitioner incorporates by reference the allegations of fact set forth in preceding
14 paragraphs.

15 55. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
16 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
17 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the
18 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present
19 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
20 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323
21 (emphasis added). The agencies thus made clear that individuals who had entered without
22 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
23 1226 and its implementing regulations.
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1 56. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
2 practice of applying § 1225(b)(2) to individual like Petitioner.

3 57. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
4 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

5 **COUNT III**
6 **Violation of Due Process**

7 58. Petitioner repeats, re-alleges, and incorporates by reference each and every
8 allegation in the preceding paragraphs as if fully set forth herein.

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

13 60. Petitioner has a fundamental interest in liberty and being free from official
14 restraint.

15 61. The government’s detention of Petitioner without a bond redetermination hearing
16 to determine whether he is a flight risk or danger to others violates his right to due process.

17 **PRAYER FOR RELIEF**

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

- 19 a. Assume jurisdiction over this matter;
- 20 b. Order that Petitioner shall not be transferred outside the Eastern District of
21 Pennsylvania while this habeas petition is pending;
- 22 c. Issue an Order to Show Cause ordering Respondents to show cause why this
23 Petition should not be granted within three days;
- 24

- 1 d. Issue a Writ of Habeas Corpus requiring that Respondents immediate release
2 Petitioner.
- 3 e. In the alternative, Issue a Writ of Habeas Corpus requiring that Respondents
4 provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within
5 seven days;
- 6 f. Declare that Petitioner is detained pursuant to 8 U.S.C. § 1226(a);
- 7 g. Declare that Petitioner’s detention is unlawful;
- 8 h. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
9 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
10 law; and
- 11 i. Grant any other and further relief that this Court deems just and proper.

12 DATED this 30th of January 2026.

13 /s/ Ana Ferreira
14 Ana Ferreira, Esq.
15 Ferreira Law
16 8100 Castor Avenue
17 Philadelphia, PA 19152
18 Telephone: 267-521-2143
19 Fax: 267-599-0004
20 E: Ana@anaferreiralaw.com

21 *Attorney for Petitioner*

22 Ana Ferreira Esq.
23 Ferreira Law
24 8100 Castor Avenue
Philadelphia, PA 19152
p. 267-521-2143
f. 267-599-0004
ana@anaferreiralaw.com

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LUIS OMAR ICHINA-LAGUA

Petitioner,

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Enforcement and Removal Operations,
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Kristi NOEM, Secretary, U.S. Department of
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PHILADELPHIA FEDERAL DETENTION
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Respondents.

Case No: 2:26-cv-640

**PETITION FOR WRIT OF
HABEAS CORPUS**

EXHIBIT LIST

Exhibit

Page

A. Printout of ICE Detainee Locator, evidencing Petitioner is housed at
the Federal Detention Center in Philadelphia;

15

EXHIBIT A



Report

Main Menu

Search Results: 1

LUIS OMAR ICHINA-LAGUA

Country of Birth : Ecuador

A-Number: [REDACTED]

Status : In ICE Custody

State: PA

Current Detention Facility: Philadelphia Federal Detention Center

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

Related Information

- Helpful Info
- Status of a Case
- About the Detainee Locator
- Brochure
- ICE ERO Field Offices
- ICE Detention Facilities
- Privacy Notice

External Links

Bureau of Prisons Inmate
Locator



DHS.govUSA.govOIGOpenFOIAMetrics No Site Site
Gov FearMapPolicies
Act &
Plug-
Ins

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: 700 Arch St, Philadelphia, PA 19106

RELATED CASE IF ANY: Case Number: Judge:

- 1. Does this case involve property included in an earlier numbered suit? Yes
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes
5. Is this case related to an earlier numbered suit even though none of the above categories apply? Yes

I certify that, to the best of my knowledge and belief, the within case is / is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Wage and Hour Class Action/Collective Action
6. Patent
7. Copyright/Trademark
8. Employment
9. Labor-Management Relations
10. Civil Rights
11. Habeas Corpus
12. Securities Cases
13. Social Security Review Cases
14. Qui Tam Cases
15. Cases Seeking Systemic Relief *see certification below*
16. All Other Federal Question Cases. (Please specify):

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify):
7. Products Liability
8. All Other Diversity Cases: (Please specify):

I certify that, to the best of my knowledge and belief, that the remedy sought in this case does / does not have implications beyond the parties before the court and does / does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LUIS OMAR ICHINA-LAGUA

(b) County of Residence of First Listed Plaintiff Philadelphia (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ferreira Law; 8100 Castor Avenue, Philadelphia, PA 19152; 267-521-2143

DEFENDANTS

ICE - Brian MCSHANE, Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office;

County of Residence of First Listed Defendant Philadelphia (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

United States Attorneys Office

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 2243; 8 U.S.C. § 1225; 8 U.S.C. § 1226

Brief description of cause: Petitioner is unlawfully detained without ability to seek bond or release from immigration custody

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE 01/30/2026 SIGNATURE OF ATTORNEY OF RECORD /s/Ana Ferreira

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.