UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Vinay BODEPUDI,

Petitioner,

v.

KRISTI NOEM, in her capacity as Secretary of the United States Department of Homeland Security;

TODD M. LYONS, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;

PAMELA BONDI, in their official capacity as Attorney General of the United States;

DAVID EASTERWOOD in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement;

ERIC TOLLEFSON, in his official capacity as Kandiyohi County Sheriff.

Respondents.

Case No. 26-cv-894

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

[redacted]

INTRODUCTION

1. This case seeks the immediate release of Vinay Bodepudi ("Petitioner") from his unlawful detention by the Department of Homeland Security's ("DHS") U.S. Immigration and Customs Enforcement ("ICE") in light of the fact that he is in valid H-1B Nonimmigrant Status and his detention is without lawful basis, or in the

alternative, seeks declaratory relief providing that Petitioner is subject to detention by the Department of Homeland Security's ("DHS") U.S. Immigration and Customs Enforcement ("ICE") under 8 U.S.C. § 1226(a) and that an Immigration Judge must therefore hold a custody redetermination hearing under 8 C.F.R. § 1236 to allow Petitioner the opportunity to seek a bond for his release from custody.

2. ICE unlawfully detained Petitioner on January 08, 2026, in violation of his constitutional, statutory, and regulatory rights notwithstanding the fact that he is in valid H-1B status as he awaits the adjudication of an application for extension. As of the date of this filing, Petitioner is being detained by ICE in Kandiyohi County Jail, Minnesota.

3. Petitioner brings this habeas action, first, for an order that Respondents immediately release him. Respondents' sudden arrest of Petitioner, while he was in lawful status, violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and Nationality Act ("INA") and implementing regulations, the Administrative Procedure Act ("APA").

4. Petitioner is a national of India who entered the United States on January 12, 2016 with a valid F-1 Student Visa. Petitioner maintained his F-1 student status and received work authorization valid through June 19, 2022. Petitioner subsequently applied for H-1B Nonimmigrant Status, automatically extending his F-1 student status, and was granted an I-94 period of stay and work authorization from June 23, 2022 to June 29, 2025. Exh. A, H-1B Approval Notice. On June 25, 2025, prior to the expiration of his I-94, Petitioner applied to renew his H-1B status and transfer to a new company. Exh.

B, H-1B Receipt Notice. According to the United States Citizenship and Immigration Services ("USCIS") practice manual, Petitioner was allowed to work and remain in valid status after his I-94 expired for 240 days while the application for an extension was pending. *See* U.S. Citizenship and Immigration Services, *Handbook for Employees M-247: 7.5 H-1B Specialty Occupations*, U.S. Citizenship and Immigration Services, https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/70-evidence-of-employment-authorization-for-certain-categories/75-h-1b-specialty-occupations (Jul. 26, 2023). This application is still pending with USCIS and the 240-day extension period expires on February 24, 2026. Because Petitioner has maintained lawful status in the United States since 2016, he should not have his freedom abruptly taken away without explanation, process or lawful authority.

5. Additionally, Petitioner has been detained for over three weeks without being placed into removal proceedings under 8 U.S.C. § 1229 or any other authority. Petitioner was transferred to Texas and then sent back to Minnesota during the time he has been in DHS custody. Petitioner has not been offered a bond hearing according to 8 C.F.R. § 1236, despite his lawful entry.

6. In light of the information and belief that ICE has moved other petitioners for writs of habeas corpus out of the District of Minnesota after they filed petitions for writs of habeas corpus in the District of Minnesota, this petition also requests that the Court specifically enjoin Respondents from moving or transferring Petitioner outside of the District of Minnesota in the Order to Show Cause. For this injunction to be included

in the Order to Show Cause would avoid the repetitive briefing and strain on the Court's resources presented by a motion for a temporary restraining order.

CUSTODY

7. Petitioner is currently in the custody of ICE at Kandiyohi County Jail in Minnesota. He is therefore in the custody of the DHS within the meaning of the habeas corpus statute. *See* 28 U.S.C. § 2241.

JURISDICTION AND VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
9. Nothing in 8 U.S.C. § 1252 or FARRA deprives this Court of jurisdiction.
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, the Suspension Clause, and the Court's inherent equitable powers.
11. Venue lies in the U.S. District Court for the District of Minnesota because it is the judicial district in which Petitioner is currently detained. Venue is also proper in this Court under 28 U.S.C. § 1391(e)(1) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES

12. Petitioner, Vinay Bodepudi, has lived in the United States since 2016. On December 2, 2022 USCIS approved his I-129 H-1B Nonimmigrant petition and he was issued an

I-94 reflecting that he was admitted to H-1B Nonimmigrant Status from June 23, 2022 to June 29, 2025. He timely filed an application to renew his H-1B status on June 25, 2025 which extended his H-1B Nonimmigrant Status for 240 days, until February 24, 2026. Prior to his detention on or about January 08, 2026, he was residing in Minneapolis, Minnesota. Petitioner is currently detained by ICE in Kandiyohi County Jail, Minnesota. Petitioner's last known whereabouts were at the Kandiyohi County Jail, Minnesota on January 30, 2026.

13. Respondent Kristi Noem is named in her official capacity as the Secretary of the United States Department of Homeland Security. DHS is a department of the executive branch of the U.S. government that is tasked with administering and enforcing the federal immigration laws. Secretary Noem is ultimately responsible for ICE's actions; specifically, she is responsible for the administration and enforcement of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a). Secretary Noem is legally responsible for any effort to detain and remove Petitioner and as such is Petitioner's legal custodian.

14. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement. ICE is the agency within DHS that is specifically responsible for managing all aspects of the immigration enforcement process, including immigration detention. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States, and as such Acting Director Lyons is Petitioner's legal custodian.

15. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General. Attorney General Bondi is responsible for continuing a custody case against a noncitizen and as such is Petitioner's legal custodian.

16. Respondent David Easterwood is named in his official capacity as the Acting Director for the ICE St. Paul Field Office. Director Easterwood is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures.

17. Respondent Eric Tollefson is named in his official capacity as the Sheriff of Kandiyohi County. As Sheriff of Kandiyohi County, Respondent Tollefson oversees Kandiyohi County Jail, the facility where Petitioner is presently detained, and is therefore one of his legal custodians.

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* Moreover, a hearing is to be set within five days of the return on writ, and "[u]nless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained." *Id.*

19. 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) (citation omitted). "The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time." *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978).

20. Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justice. Petitioner also seeks as part of this Court's Show Cause Order an order to prevent (1) transfer out of the district (or his return to the district) and (2) his removal from the United States while these proceedings are ongoing.

LEGAL FRAMEWORK

21. H-1B Nonimmigrant Status is a type of immigration visa available to individuals who wish to work temporarily in the United States and performs "services in a specialty occupation, services relating to a Department of Defense (DOD) cooperative research and development project or coproduction project, or services as a fashion model who is of distinguished merit and ability." 8 C.F.R. § 214.2(h)(1)(i); *see* Immigration and Nationality Act ("INA") §101(a)(15)(H)(i)(b).

22. H-1B nonimmigrant status is granted for three years. After three years an individual can apply to extend their H-1B nonimmigrant status for another three years. By applying to extend their H-1B status before the expiration of the concurrent I-94 admission document, the applicant is granted a two-hundred-and-forty-day extension on their H-1B status while the application is processed. *See* U.S. Citizenship and Immigration Services, *Handbook for Employees M-247: 7.5 H-1B Specialty*

Occupations, U.S. Citizenship and Immigration Services, https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/70-evidence-of-employment-authorization-for-certain-categories/75-h-1b-specialty-occupations (Jul. 26, 2023).

23. Those admitted in H-1B nonimmigrant status who submit timely extensions have lawful status and are protected from removal unless and until the Department of Homeland Security proves their deportability in removal proceedings under 8 U.S.C. § 1229a and a final order of removal is entered against them.

24. To secure a removal order against a non-citizen in lawful H-1B nonimmigrant status pursuant to removal proceedings, DHS must establish by clear and convincing evidence that one or more grounds of deportability under 8 U.S.C. 1227 apply. *See* 8 U.S.C. § 1227 (applying to those "Admitted to the United States).

Detention Under the Immigration and Nationality Act

25. The INA prescribes essentially three forms of detention for noncitizens in removal proceedings.

26. First, noncitizens detained pursuant to 8 U.S.C. § 1226(a) are generally entitled to a custody-redetermination hearing—also known as a bond hearing—unless they have been arrested, charged with, or convicted of certain crimes that subject them to mandatory detention. *See* 8 U.S.C. §§ 1226(a), 1226(c) (listing grounds for mandatory detention); *see also* 8 C.F.R. §§ 1003.19(a) (providing that Immigration Judges may review custody determinations made by DHS), 1236.1(d) (providing the same).

27. Second, the INA provides for mandatory detention of noncitizens who are subject to expedited removal under 8 U.S.C. § 1225(b)(1), in addition to other recent arrivals who are deemed to be "seeking admission" to the United States under 8 U.S.C. § 1225(b)(2).

28. Third, the INA authorizes detention of noncitizens who have received a final order of removal, including those in withholding-only proceedings. 8 U.S.C. § 1231(a)–(b).

29. The detention provisions of the INA at 8 U.S.C. §§ 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Division C of Pub. L. No. 104-208, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 of the INA was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

30. Following enactment of the IIRIRA, the U.S. Department of Justice's Executive Office for Immigration Review ("EOIR") drafted new regulations explaining that, in general, individuals who entered the United States without inspection were not considered detained pursuant to § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.")

31. In the decades that followed the enactment of the IIRIRA, most noncitizens who entered the United States without inspection and were thereafter detained and placed

in standard removal proceedings were considered eligible to seek release on bond and also received bond hearings before an IJ unless their criminal history rendered them statutorily ineligible. This practice was consistent with many decades of prior practice, in which noncitizens who entered the United States, even without inspection, were entitled to a custody determination hearing before an IJ. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that 8 U.S.C. § 1226(a) simply "restates" the detention authority previously found at 8 U.S.C. § 1252(a)).

32. For decades, noncitizens who have entered the United States without inspection and then resided long-term within the country have been deemed to be detained pursuant to § 1226 and have therefore been deemed entitled to bond hearings before IJs, absent a criminal history that would bar them from such a hearing.

33. In July 2025, however, ICE contravened this longstanding legal framework by beginning to assert that all individuals who entered the country without inspection should be considered to be "seeking admission" and therefore subject to the mandatory-detention provision of 8 U.S.C. § 1225(b)(2)(A).

34. On September 5, 2025, the BIA issued a precedential decision adopting ICE's new interpretation of the detention provisions of the INA, departing from the plain language of the text of the INA, federal precedent, and long-standing regulations. *See Yajure Hurtado*, 29 I&N Dec. 216.

35. Respondents' new legal interpretation of the custody provisions of the INA is plainly contrary to the statutory framework of the INA and its implementing regulations. For decades, Respondents applied § 1226(a) to individuals similarly situated to Petitioner. Respondents' new policies regarding custody determinations are therefore not only contrary to law, but also arbitrary and capricious in violation of the Administrative Procedure Act ("APA"). This new interpretation of the statutes was also adopted without following the procedural requirements of the APA. *See* 5 U.S.C. § 553.

36. In recent months, numerous federal courts have rejected Respondents' new interpretation of the custody statutes and have instead consistently found that § 1226—not § 1225(b)(2)—authorizes detention of noncitizens who entered without inspection and who were later apprehended in the interior of the country. *See e.g.*, *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting court's disagreement with BIA's analysis in *Yajure Hurtado*); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025).

37. Under *Loper Bright v. Raimondo*, "the role of the reviewing court under the APA is . . . to independently interpret the statute and effectuate the will of Congress subject to constitutional limits." 603 U.S. 369, 395 (2024). Applying *Loper Bright*, this Court should independently interpret the pertinent statutes and give no weight to the BIA's expansive and unprecedented interpretation of § 1225(b)(2), as that interpretation

conflicts with the plain text of the statute, is contrary to the regulations, and contravenes precedent on the question of jurisdiction for bond proceedings.

38. As discussed in ¶ 29, the detention provisions at issue in this case were enacted as part of the IIRIRA in 1996. Division C of Pub. L. No. 104-208, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. After the enactment of the IIRIRA, EOIR issued regulations clarifying that individuals who entered the country without inspection were not considered to be detained under § 1225, but rather under § 1226(a). *See* 62 Fed. Reg. 10312, 10323 (Mar. 6 1997).

39. In 1997, after Congress amended the INA through the IIRIRA, EOIR and USCIS's predecessor agency, Immigration and Naturalization Services, issued an interim rule guiding interpretation and application of the IIRIRA. Specifically, under the heading "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [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." 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

40. The overall statutory framework of the INA also clearly supports that § 1226 applies to individuals who have not been admitted and who entered without inspection. In 2025, Congress added new mandatory-detention grounds to § 1226(c) that apply only

to noncitizens who have not been admitted. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025) (codified in relevant part at 8 U.S.C. § 1226(c)(1)(E)).

41. By specifically referencing inadmissibility for entry without inspection as falling within 8 U.S.C. § 1182(6)(A), Congress clearly expressed its will that such individuals are covered by § 1226(a) if they do not have the sort of criminal history identified in the Laken Riley Act. Accordingly, § 1226 plainly applies to noncitizens who entered without inspection and are later charged as inadmissible within the interior of the country, including those who never received an admission or parole.

42. The Supreme Court has explained that 8 U.S.C. § 1225(b) "applies primarily to aliens seeking entry into the United States," and is generally imposed "at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287, 297 (2018). In contrast, § 1226 "authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings." *Id.* at 289 (emphasis added).

43. Further, § 1225(b)(2) specifically applies only to those "seeking admission," and the definitions provided at the implementing regulations state that an "[a]rriving alien" is one who is "coming or attempting to come into the United States at a port-of-entry." 8 C.F.R. § 1.2. The use of the present progressive tense would exclude noncitizens like Petitioner who are initially apprehended in the interior of the country almost two decades after they had entered the country, as they cannot reasonably be considered to be actively "seeking admission" or "coming . . . into the United States" after years spent building a life and raising a family within the interior of the country, as is the

case for Petitioner. *Id.*; *see Martinez v. Hyde*, 792 F. Supp. 3d (D. Mass. July 24, 2025) (citing the use of the present and present-progressive tenses to conclude that 8 U.S.C. § 1225(b)(2) does not apply to individuals apprehended in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200 (S.D. Cal. 2019) (interpreting the language "is arriving" in 8 U.S.C. § 235(b)(1)(A)(i) and concluding that "[t]he use of the present progressive, like use of the present participle, denotes an ongoing process").

44. Because Petitioner is in lawful status, none of the detention provisions of the INA apply to him.

45. Even if ICE asserts for some unknown reason that Petitioner is removable under the INA, the mandatory detention provision of 8 U.S.C. § 1225(b)(2) does not apply to Petitioner, who was admitted in F-1 student status when he entered the U.S., then readmitted into H-1B nonimmigrant status, was not initially detained near the border, and was only ever detained recently well within the interior of the country.

FACTUAL ALLEGATIONS

46. Petitioner is a citizen of India.

47. Petitioner has resided in the United States since 2016. He was living in Minneapolis, Minnesota before his sudden arrest by ICE on January 8, 2026.

48. Petitioner has not been arrested by the police or charged with or convicted of any significant crime since entering the United States. There are no intervening circumstances to warrant his arrest nor is he aware of any pending criminal charges or allegations against him.

49. Petitioner was granted H-1B nonimmigrant status with a period of stay from June 23, 2022 to June 29, 2025. Exh. A, H-1B Approval Notice. He timely filed an application to renew his H-1B status, submitted on June 25, 2025, which is currently pending with USCIS. Exh. B, H-1B Receipt Notice. Because Petitioner submitted his application for extension and transfer of employer prior to the expiration of his I-94, he is in valid status to remain and work in the United States until February 24, 2026, when 240 days have passed since the expiration of his latest-issued I-94 record. Petitioner is therefore is currently in lawful H-1B status and was unlawfully detained by Respondents.

50. Petitioner is now detained by ICE at Kandiyohi County Jail, Minnesota.

COUNT ONE
Substantive Due Process

51. Petitioner realleges all paragraphs above as if fully set forth here. When Respondents arrested Petitioner, he was a lawfully in H-1B Nonimmigrant Status. No law, facts or other circumstances warranted Petitioner's arrest and detention.

52. Petitioner's detention does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal. *See Zadvydas*, 533 U.S. at 690-92 (discussing constitutional limitations on civil detention).

53. Because Respondents had no legitimate, non-punitive objective in arresting Petitioner, his detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

COUNT TWO
Violation of the Fifth Amendment of the U.S. Constitution

Procedural Due Process

54. Petitioner realleges all paragraphs above as if fully set forth here.

55. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

56. The first factor, the private interest at issue, favors Petitioner. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

57. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner, who is unlawfully detained. Respondents have not satisfied any of the legal requirements or standards for taking a person into custody.

58. The third factor, the government's interest, also favors Petitioner. Arresting people in lawful status that are not removable or a danger to the community is a waste of limited financial and administrative resources. This waste drags down the efficiency of the entire immigration system.

59. For these reasons, arresting and detaining Petitioner without providing any explanation, notice or meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

COUNT THREE
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B), & (D)

60. Petitioner realleges all paragraphs above as if fully set forth here.

61. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B). The APA also requires a court to set aside and hold unlawful agency action that is "without observance of procedure required by law." *Id.* § 706(2)(D).

62. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, *any* law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

63. Respondents' detention of Petitioner while he was lawfully admitted to H-1B nonimmigrant status, as explained above.

64. His detention was also not in accordance with the INA and implementing regulations governing detention insofar as none of the statutes that authorize Respondents to detain non-citizens are implicated by the facts and circumstances of Petitioner's case.

65. An agency decision that "runs counter to the evidence before the agency" is arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983). Respondents' decision to detain Petitioner ran counter to the evidence before the agency that Petitioner was a lawfully admitted refugee who had applied for adjustment of status to become a lawful permanent resident of the United States.

66. Accordingly, Petitioner's detention should be held unlawful and set aside because it was (1) arbitrary, capricious, and not otherwise in accordance with law, *see* 5 U.S.C. § 706(2)(A); (2) contrary to the agency's constitutional authority, *see id.* § 706(2)(B); and (3) not in accordance with the INA and implementing regulations, *see id.* § 706(2)(D).

COUNT FOUR
Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Bond Hearing

67. Petitioner restates and realleges all paragraphs as if fully set forth herein.

68. In light of his manner of entry and the timing and location of his arrest and detention, Petitioner may only be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

69. Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) and associated regulations. *See* 8 C.F.R. §§ 236.1(d) & 1003.19(a)-(f).

70. Petitioner has not been, and absent relief from this Court, will not be provided with a bond hearing as required by law.

71. Petitioner's ongoing detention is therefore unlawful.

COUNT FIVE
Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1003.19, 1236.1 and Unlawful Denial of Access to Release on Bond

72. Petitioner restates and realleges all paragraphs as if fully set forth herein.

73. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention in violation of 8 C.F.R.§§ 236.1, 1003.19, and 1236.1.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

a. Exercise jurisdiction over this matter;

b. In the order to show cause, enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;

c. Declare that Petitioner's detention is unlawful;

d. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA and implementing regulations, and the APA;

e. Order Petitioner's immediate release;

f. Alternatively, to the extent that Petitioner is being charged as removable, issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody or provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a) or the Due Process Clause within seven days;

g. Order Respondents to return all of Petitioner's belongings to him at the time of his release;

h. Enjoin Petitioner's removal from the United States until Respondents provide him access to his statutory rights to protection and due process of law;

i. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

j. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted,

DATED: January 30, 2026

/s/ Morgan Tawmley
Morgan Twamley
Bar No. MN # 0403780
Ojala-Barbour Law Firm PLLC
1100 7th Street West
Saint Paul MN 55102
(651) 214-6284
Morgan@ojalabarbour.com
Attorney for Petitioner

VERIFICATION

I represent the Petitioner, Vinay Bodepudi, and submit this verification on his behalf. Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for Writ of Habeas Corpus are true and correct.

Executed this 30th day of January, 2026

/s/ Morgan Twamley /s/
Morgan Twamley
Attorney at Law