UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

EDDY CARRASCO,
Petitioner,

v.

MATTHEW MORDANT, in his official Capacity as Warden of Florida Soft Side South Detention Center, and,

TODD M. LYONS,
In his Official capacity as Acting Director, U.S Immigration and Customs Enforcement;

Respondents.

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PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. This is a petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner, Eddy Carrasco, is a 36-year-old national from Honduras who has lived in the United States for over 18 years, since 2007, and is currently detained by Respondents at the Florida Soft Side South detention facility (commonly referred to as "Alligator Alcatraz") under A[redacted]. He is married to a Lawful Permanent Resident (LPR) who filed an

approved family petition for him, and he is the father of two U.S. citizen children with specialized medical needs. He has no criminal convictions.

2. Petitioner is being held under mandatory detention without eligibility for a bond hearing under the recently-decided Board of Immigration Appeals (BIA) decision *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). He is asking this Court to order Respondents to grant him a bond hearing before an immigration judge, where he can demonstrate that he is not a flight risk nor a danger to the community, as required by the statutes and regulations governing immigration.
3. *Matter of Yajure Hurtado*, decided September 5, 2025, overturned 30 years of established immigration court practice. Petitioner believes the decision is based on current administration policy to detain and deport all illegal aliens, not the law.
4. This BIA decision is erroneous, violates the Immigration and Nationality Act (INA) §235(b)(2) (USC §1225(b)(2)) and §236(a) (USC §1226(a)), the Due Process Clause of the Fifth Amendment to the United States Constitution, and international law, of which the US is signatory, relating to the treatment of asylees.
5. Under the Supreme Court's recent decision in *Loper Bright v. Raimondo*, federal courts should independently interpret the meaning and scope of §§ 235(b) and 236 using the traditional tools of statutory construction. Because the BIA's decision in *Matter of Yajure Hurtado* is a deviation from the agency's long-standing interpretation of § 235 and 236; is not guidance issued contemporaneously with enactment of the relevant statutes, and contradicts the statutory interpretations of dozens of federal courts, a habeas court should give it no weight under *Loper*.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which grants federal courts the authority to hear habeas corpus petitions from individuals held in custody in violation of the Constitution or laws of the United States. Jurisdiction is also proper under 28 U.S.C. § 1331.
7. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained at the Florida Soft Side South detention center (Alligator Alcatraz), which is located within this judicial district.

PARTIES

8. Petitioner Eddy Carrasco (A#[redacted]) is a citizen of Honduras and is currently detained by the Respondents at the Florida Soft Side South detention facility (commonly referred to as "Alligator Alcatraz") in Everglades City, Florida.
9. Respondent Matthew Mordant is the Warden of Florida Soft Side South (Alligator Alcatraz), and is the official with direct supervisory authority over Petitioner's detention. He is sued in his official capacity.
10. Respondent Todd M. Lyons is the Acting Director of the U.S. Immigration and Customs Enforcement (ICE) and is sued in his official capacity.

FACTUAL ALLEGATIONS

11. Petitioner, Eddy Carrasco, is a native and citizen of Honduras who has resided continuously in the United States for eighteen years.

12. Petitioner entered the United States without inspection (EWI) in November, 2007 near Laredo, Texas. Since his entry to the US nearly two decades ago, Petitioner was never apprehended, arrested, or processed by immigration authorities until the current detention.
13. Petitioner has been married to a Lawful Permanent Resident (LPR) since February 6, 2019 and is the beneficiary of an immigrant visa petition (Form I-130) filed by his spouse, which was approved by U.S. Citizenship and Immigration Services (USCIS) on April 30, 2022.
14. Petitioner is a devoted father to two U.S. Citizen (USC) children, ages 8 and 6, and a father figure to two LPR stepdaughters, ages 10 and 11. Notably, both of Petitioner's USC children were diagnosed with autism at age three. They are currently under intensive therapy and require constant parental supervision.
15. Based on his 18 years of continuous physical presence, his lack of criminal history, and the "exceptional and extremely unusual hardship" his removal would cause his USC children, Petitioner is eligible for 10-year Cancellation of Removal under INA § 240A(b).
16. Since 2007, Petitioner has been a productive member of the community, maintaining stable employment in the construction industry with a focus on electrical wiring installation.
17. On January 16, 2026, Petitioner was driving to work when he was intercepted by ICE officers. Despite the lack of any criminal activity or traffic infraction, Petitioner was taken into custody for the purpose of immigration processing.

18. Respondents are holding Petitioner in mandatory detention at the Florida Soft Side South facility (Alligator Alcatraz), refusing to grant him an individualized bond hearing before an Immigration Judge while he contests his removal, relying upon the BIA decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) to justify this detention. Consequently, Petitioner is being denied the opportunity to demonstrate that he is neither a flight risk nor a danger to the community, as required by the immigration statutes and regulations.

LEGAL CLAIMS

COUNT I: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

19. Petitioner re-alleges and incorporates by reference the preceding paragraphs.
20. The Immigration and Nationality Act (INA) establishes two distinct statutory categories for the treatment and detention of noncitizens:
    - Section 235 (8 U.S.C. § 1225): This section governs the admission of aliens who arrive in the U.S. or are at the border seeking relief. It generally requires mandatory detention.
    - Section 236 (8 U.S.C. § 1226): This section applies to aliens who are apprehended within the U.S. (in the interior). It allows for bond hearings for non-criminal aliens who may seek release by demonstrating they are not a danger to the community or a flight risk.
21. The Board of Immigration Appeals (BIA), in its September 5, 2025 decision *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), held for the first time that all aliens who

entered the U.S. without authorization are subject to Section 235 mandatory detention, as "applicants for admission", regardless of their length of stay or ties to the U.S.

22. Federal courts have consistently held that INA § 236, not § 235(b)(2), authorizes the detention of noncitizens who previously entered without inspection and were apprehended in the interior of the country.

23. This Court specifically has repeatedly rejected the BIA's expansive interpretation in recent decisions. In *Cetino v. Hardin*, No. 2:25-cv-1037-JES-DNF (M.D. Fla. Dec. 2, 2025), this Court held that the mandatory detention provisions of § 1225(b)(2) cannot be retroactively applied to noncitizens apprehended in the interior. Most recently, in *Mojica Ramos v. Warden, Florida Soft Side South*, Case No. 2:26-cv-00032-JES-DNF (M.D. Fla. Jan. 26, 2026), this Court reaffirmed that a long-term resident's detention is governed by § 1226(a), not § 1225(b)(2).

24. The BIA's interpretation in *Yajure Hurtado* misreads the statute for several reasons:

    - As the Supreme Court recognized in *Jennings v. Rodriguez*, § 235(b) is concerned "primarily [with those] seeking entry," and is generally imposed "at the Nation's borders and ports of entry".
    - Throughout its text, § 235 refers to "inspections," a term that typically connotes an examination upon or soon after physical entry. This is further supported by citations such as INA § 235 (titled "Inspection by Immigration Officers"); INA § 235(b)(1) (referring to "inspections" in the title); and INA § 235(d)(1) (authorizing immigration officials to search certain conveyances in order to conduct "inspections" where noncitizens "are being brought into the United

States"). The statute's text, referring to "inspections" and being concerned "primarily [with those] seeking entry," confirms that § 235(b) has a limited temporal and geographic scope and should be imposed "at the Nation's borders and ports of entry." The statute refers to "inspections," a term connoting an examination upon or soon after physical entry. Petitioner, having been present for 18 years, is clearly not in the process of "seeking admission" or "arriving."

- Consistent with this focus on the moment of physical entry, § 235(b)(2) is limited to those in the process of "seeking admission." Petitioner in this case is patently in the country (for 18 years) and is not seeking admission. Similarly, the implementing regulations at 8 C.F.R. § 1.2 addresses noncitizens who are presently "coming or attempting to come into the United States." The statutory and regulatory text's use of the present and present progressive tenses excludes noncitizens apprehended in the interior like Petitioner, because they are no longer in the process of arriving in or seeking admission to the United States.

25. The INA's statutory structure confirms that § 236 reaches individuals who have not been admitted and have entered without inspection.

- Section 236(c) exempts specific categories of noncitizens from the default eligibility to seek release on bond in § 236(a), including noncitizens subject to certain grounds of inadmissibility. Congress recently added new mandatory detention grounds to § 236(c) that specifically apply only to noncitizens who have not been admitted, expressly including those who are inadmissible under § 212(a)(6)(A) or (7)—that is, persons who entered without being admitted. If §

236(a) did not apply to inadmissible noncitizens, the carve-out and recent amendments in § 236(c) would be rendered surplusage.

26. The statutory history also supports a limited reading of § 235(b)'s reach. When Congress amended § 235(b)'s predecessor statute to include individuals who had not been admitted, legislators expressed concerns about recent arrivals to the United States who lacked the documents to remain in the country. There was no suggestion in the legislative history that Congress intended to subject all people present in the United States after an unlawful entry to mandatory detention and thereby "sweep millions of noncitizens into § 235(b)".

27. Petitioner Eddy Carrasco was apprehended in the interior 18 years after his entry. His detention is squarely governed by § 1226(a). He is undoubtedly "not in the process or just entered the United States." Accordingly, he is entitled to a bond hearing where he can demonstrate he is neither a flight risk nor a danger to the community.

COUNT II: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT, AND INTERNATIONAL LAW

28. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

29. The Fifth Amendment's Due Process Clause provides that no person shall be "deprived of... liberty... without due process of law." This protection applies to all persons within the United States, regardless of immigration status.

30. Freedom from imprisonment lies at the heart of the liberty protected by habeas corpus (*Zadvydas v. Davis*, 533 U.S. 578, 690 (2001)). In civil proceedings, including deportation cases, detention is only justified in certain "special and narrow non-punitive

circumstances" where a compelling justification outweighs the individual's constitutionally protected interest in avoiding physical restraint.

31. The Supreme Court has repeatedly held that non-punitive detention violates the Constitution unless it is strictly limited and accompanied by a prompt individualized hearing before a neutral decisionmaker (*See, e.g., United States v. Salerno*, 481 U.S. 739, 750-51 (1987)).

32. Petitioner's continued mandatory detention without a bond hearing is unconstitutional, particularly because it serves no legitimate governmental purpose. Petitioner is the primary support for a family unit that includes two U.S. citizen children with autism. These children require specialized, consistent care and therapy. Depriving these U.S. citizens of their father's presence—without any individualized finding that he is a danger or a flight risk—constitutes an arbitrary and punitive use of executive power.

33. Furthermore, Petitioner is eligible for Cancellation of Removal under INA § 240A(b). His 18-year residence and the "exceptional and extremely unusual hardship" his USC children face create a substantial liberty interest in his ability to remain present and assist in his defense while pursuing this relief.

34. The United States is a signatory to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, which reflect a commitment to human rights and the prevention of arbitrary detention. These norms, coupled with the constitutional protection of the family unit, reinforce the requirement for an individualized assessment of detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Eddy Carrasco respectfully requests that this Honorable Court: A. Assume Jurisdiction over this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. B. Order Respondents to justify the legality of Petitioner's continued mandatory detention within three days. C. Issue a Writ ordering Respondents to hold a bond hearing for the Petitioner before an Immigration Judge, where he can demonstrate that he is neither a danger to the community nor a flight risk, in accordance with the procedures in effect prior to the September 5, 2025 *Matter of Yajure Hurtado* decision. D. In the alternative, order Petitioner's immediate release from custody under a $5,000 bond, based on his eighteen years of U.S. residence, his lack of any criminal convictions, his approved I-130 petition based on his marriage to a US LPR, and the essential support he provides to his two U.S. citizen children with autism. E. Grant such other and further relief as this Court may deem just and proper.

Dated: January 31, 2026

Respectfully submitted,

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