

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

---

MANUEL GORDILLO SANCHEZ

Petitioner,

v.


J.L. JAMISON, in his official capacity as Warden:  
of Federal Detention Center, Philadelphia;  
BRIAN MCSHANE, in his official capacity as  
Acting Philadelphia Field Office Director,  
United States Immigration and Customs  
Enforcement; TODD LYONS, in his  
Official capacity as Acting Director of  
Immigration and Customs Enforcement;  
KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security; THE U.S. DEPARTMENT OF  
HOMELAND SECURITY; PAMELA BONDI,  
Attorney General of the United States

Respondents.

---

:  
:  
: Case No.:  
:  
: Before the Honorable \_\_\_\_\_

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Manuel Gordillo Sanchez, A  submits this petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and the Suspension Clause (Article 1, Section 9, Clause 2) of the United States Constitution. Petitioner requests that this Court release him from detention by the Immigration and Customs Enforcement (“ICE”) or, alternatively, conduct or order a bond hearing

in which the Respondents bear the burden of justifying Petitioner's continued detention.

Mr. Gordillo Sanchez is a native of Mexico who has resided in the United States for over twenty-five (25) years. Mr. Gordillo Sanchez entered the United States in October, 2000 and has resided in the United States since then. He lives in South Philadelphia with his wife and two (2) U.S. citizen children. Mr. Gordillo Sanchez does not have a criminal record.

In 2012, Mr. Gordillo Sanchez was a victim of a robbery in which he was stabbed. Based on M. Gordillo Sanchez's cooperation with law enforcement he applied for U Nonimmigrant Status. Due to the underlying merits of Mr. Gordillo Sanchez's application, he received a bona fide determination placing him in deferred action on July 19, 2022.

On February 1, 2026, while shoveling snow outside of his home, Mr. Gordillo Sanchez was arrested by Immigration and Customs Enforcement (ICE) agents. The ICE agents arrested Mr. Gordillo Sanchez without a stated justification. Thus, Respondents arbitrarily detained Mr. Gordillo Sanchez despite the requirement under 8 U.S.C. § 1226(a) and its implementing regulations that immigration officials make an individualized custody determination. Respondents have also detained Mr. Gordillo Sanchez despite him being granted deferred action

status after the Citizenship and Immigration Service, a component of the Department of Homeland Security determined that Mr. Gordillo Sanchez had submitted a bona fide application for U Nonimmigrant Status. Respondents have adopted policies contrary to law enshrined in administrative decisions by the Board of Immigration Appeals (“BIA”) that subject non-citizens like Mr. Gordillo Sanchez to mandatory detention in violation of Section 1226(a).

Mr. Gordillo Sanchez is presently detained at FDC-Philadelphia.

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (Administrative Procedures Act); U.S. Const. amend. V (Due Process Clause); and U.S. Const. art. I, § 9, cl. 2 (Suspension Clause).

2. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 2241(d), because at the time of filing his Petition for Writ of Habeas Corpus (Doc. 1), Mr. Gordillo Sanchez is detained in Philadelphia, PA.

### **PARTIES**

3. Petitioner Manuel Gordillo Sanchez is a native of Mexico. He has resided in the U.S. since 2000. Since 2017 he has been an applicant for U

Nonimmigrant Status. In recognition that he is prima facie eligible for U Nonimmigrant Status, the government issued him deferred action after making a bona fide determination in reviewing his application. Mr. Gordillo Sanchez was arrested by immigration officials on February 1, 2026 and is currently detained at FDC-Philadelphia.

4. Respondent J.L. Jamison is named in his official capacity as the Warden of FDC, Philadelphia, which detains individuals suspected of civil immigration violations. Respondent Jamison is the immediate physical custodian responsible for the detention of Petitioner.

5. Respondent Brian McShane is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations. In this capacity he is responsible for the custody of all noncitizens detained by ICE at either the ICE Field Office or FDC, Philadelphia and has the authority to release Mr. Gordillo Sanchez or transfer him to a different facility. He is one of Mr. Gordillo Sanchez's immediate custodians and is sued in his official capacity.

6. Respondent Todd Lyons is the Acting Director of ICE. In this capacity he is responsible for enforcing immigration laws, and as such is a legal custodian of Mr. Gordillo Sanchez. He is sued in his official capacity.

7. Respondent Kristi Noem is Secretary of Homeland Security. In this capacity she runs the Department of Homeland Security, and is charged pursuant to 8 U.S.C. 1103(a)(1) with administering and enforcing immigration laws. She is the ultimate legal custodian of Mr. Gordillo Sanchez and is sued in her official capacity.

8. The Department of Homeland Security (“DHS”) is the agency of the federal government responsible for enforcing the immigration laws. DHS is also Mr. Gordillo Sanchez’s legal custodian.

9. Respondent Pamela Bondi is the Attorney General of the United States and the head of the U.S. Department of Justice, which encompasses the Board of Immigration Appeals (“BIA”) and immigration courts, known collectively as the Executive Office of Immigration Review (“EOIR”). Ms. Bondi shares responsibility for the implementation and enforcement of immigration laws along with Respondent Noem. Ms. Bondi is a legal custodian of Mr. Gordillo Sanchez. She is sued in her official capacity.

## LEGAL FRAMEWORK

### IMMIGRATION DETENTION

10. For non-citizens attempting to enter the United States, the INA provides under 8 U.S.C. § 1225(b)(2)(A) that “in the case of [a noncitizen] who is an applicant for admission, if the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). “A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled ‘for urgent humanitarian reasons or significant public benefit’ pursuant to 8 U.S.C. § 1182(d)(5)(A).” *Gomes v. Hyde*, 25 Civ. 11571, 2025 WL 1868288, at \*2 (D. Mass. July 7, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018)).

11. “Courts have interpreted § 1226 to ‘appl[y] to [noncitizens] already present in the United States’ and to ‘create[] a default rule for those [noncitizens] by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings.’” *Ndiaye v. Jamison*, No. 25-6007, 2025 U.S. Dist. LEXIS 227253, \*14 (E.D. Pa. Nov. 19, 2025) (citing *Jennings*, 583 U.S. at 303); *see also Abreu v. Crawford*, 2025 WL 51475, at \*3 (E.D. Va. Jan. 8, 2025) (“There is a statutory distinction between noncitizens who

are detained upon arrival into the United States and those who are detained after they have already entered the country, legally or otherwise.”) (emphasis in the original).

12. Section 1226(a) provides in relevant part as follows:

(a) Arrest, Detention, and Release. On a warrant issued by the Attorney General, *an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States*. Except as provided in subsection (c) and pending such decision, *the Attorney General—*

(1) *may continue to detain the arrested alien; and*

(2) *may release the alien on—*

(A) *bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or*

(B) *conditional parole ...*

8 U.S.C. § 1226(a) (emphasis added).

The Supreme Court has interpreted similar “may” language in other provisions of the INA to require “some level of individualized determination.” *I.N.S. v. Nat’l Ctr. For Immigrants’ Rights*, 502 U.S. 183, 194 (1991).

13. Accordingly, “the regulations implementing § 1226(a) delegate to DHS officers the authority to grant bond or conditional parole, and pursuant to such authority, a DHS officer must make an individualized determination as to the appropriateness of detention based on two factors—whether the non-citizen is a ‘danger to property or persons’ and is ‘likely to appear for any future proceeding.’” *Benitez v. Francis*, 25 Civ. 5937, 2025 WL 2371588, at \*10 (S.D.N.Y., Aug. 13,

2025) (citing 8 C.F.R. §§ 236.1(c)(8); 1236.1(c)(8). If DHS takes the non-citizen into custody, this “initial custody determination” made by the DHS officer may be appealed to an immigration judge. 8 C.F.R. §§ 236.1(d)(1); 1236.1(d)(1).

14. Noncitizens may request a review of an initial custody determination before an Immigration Judge (“IJ”). 8 C.F.R. § 1236.1(d)(1); 8 C.F.R. § 1002.19(a). At this hearing an IJ may make the decision “upon any information that is available to the [Immigration Judge] or that is presented to him or her by the [noncitizen] or the [government].” 8 C.F.R. § 1003.19(d); *see also Matter of Guerra*, 24 I&N Dec. 37, 39 (BIA 2006). Noncitizens may appeal a negative decision in a custody review before an IJ to the Board of Immigration Appeals. 8 C.F.R. § 1236.1(d)(3)(i). The current statutory scheme was created through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”).

15. For the first time in nearly three decades, Respondents have taken the position through a series of precedential decisions by the Board of Immigration Appeals that noncitizens residing in the interior of the United States are not entitled to a custody redetermination (a “bond hearing”) before an Immigration Judge.

16. First, in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA held that a noncitizen who had been apprehended near the border and subsequently

released into the United States is subject to mandatory detention without a possibility of bail upon re-detention, pursuant to 8 U.S.C. § 1225(b), even if that re-detention occurs years after their initial release from custody. The BIA reasoned that “an applicant for admission who is arrested and detained without a warrant while in the process of arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section [1225(b)] [], and is ineligible for any subsequent release on bond under section [1226(a)].” *Q. Li*, 29 I&N Dec. at 74.

17. Then in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA stated that all non-citizens who are present in the United States without admission are subject to mandatory detention under Section 1225(b)(2), regardless of how long they have been residing in the U.S. and absent any prior interaction with immigration authorities. In several hundred decisions across the country district courts have rejected the BIA’s reasoning. *See Demirel v. Fed. Det. Ctr. Phila.*, No. 25-5488, 2025 U.S. Dist. LEXIS 226877, \*2 (E.D. Pa. Nov. 18, 2025) (counting 288 recent decisions).

### **U NONIMMIGRANT STATUS**

18. Congress created U Nonimmigrant Status, commonly referred to as a U Visa, which provides a path to citizenship for non-citizen survivors of

qualifying crimes who assist law enforcement in investigation or prosecuting those crimes. Victims of Trafficking and Violence Protection Act of 2000 (“VAWA 2000”), Title V, Pub. L. No. 106-386, 114 Stat. 1464, 1518, § 1513(a)(2)(B), (b); 8 U.S.C. § 1101(a)(15)(U).

19. A noncitizen is eligible for a U Visa if (1) the applicant “suffered substantial physical or mental abuse as a result of having been a victim of” certain explicitly identified types of crimes; (2) the applicant “possesses information concerning [the] criminal activity”; (3) the applicant “has been helpful, is being helpful or is likely to be helpful” to government officials regarding the criminal activity; and (4) the criminal activity “occurred in the United States” or violated United States law. 8 U.S.C. §§ 1101(a)(15)(U)(i)(I-IV).

20. Underscoring the importance of encouraging noncitizen victims of crime to feel comfortable reporting crime and working with law enforcement authorities, Congress authorized DHS to waive virtually any ground of inadmissibility to U Visa petitioners in the public interest. VAWA 2000 § 1513e; 8 U.S.C. § 1182(d)(14). Even a noncitizen “who is the subject of a final order of removal, deportation, or exclusion is not precluded” from eligibility. 8 C.F.R. § 214.14(c)(1)(ii).

21. In the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Publ. L. No. 110-457, 122 Stat. 5044, 5053 (“TVPRA”), Congress expanded the protections for noncitizens who had come forward to report crime. Most relevant to this action, the TVPRA added § 237(d) to the INA, which authorizes DHS to issue a stay of any removal order against a U Visa petitioner if the petition “sets forth a prima facie case for approval.” 8 U.S.C. § 1227(d)(1). Any such stay remains in effect until the U Visa approved or denied, during which time the applicant “shall not be removed.” 8 U.S.C. §§ 1227(d)(1)-(3).

22. Congress capped the number of principal U Visas that may be granted annually at 10,000. 8 U.S.C. § 1184(p)(2). In 2007, DHS created implementing regulations setting forth the process for adjudicating U Visa petitions. *See* Interim Rule, 72 Fed. Reg. 53014 (Sept. 17, 2007). To address backlogs caused by the annual cap, these regulations required that crime victims who are not granted U Visas “due solely to the cap...must be placed on a waiting list.” 8 C.F.R. § 214.14(d)(2). USCIS must also “grant deferred action” to individuals placed on the waiting list until a U Visa becomes available. *Id.* Wait-listed individuals are also eligible for work authorization. *Id.*

23. Further, the TVPRA authorized employment for U Visa petitioners with “bona fide” petitions, 8 U.S.C. § 1184(p)(6), USCIS created a formal streamlined BFD process in 2021 for making such bona fide determinations.

24. Under this BFD process USCIS conducts an initial review to determine whether an application is “bona fide.” USCIS Policy Manual (“PM”), vol. 3, pt. C, ch. 4. The determination is “based on the petitioner’s compliance with initial evidence requirements and successful completion of background checks,” after which USCIS “considers any national security and public safety risks, as well as any other relevant considerations,” in deciding whether to issue an employment authorization document (“EAD”) and deferred action. PM, vol. 3, pt. C, ch. 5. “If USCIS determines a principal petitioner and any other qualifying family members have a bona fide petition and warrant a favorable exercise of discretion, USCIS issues them BFD EADs and grants deferred action.” PM, vol. 3, pt. C, ch. 5.C. A BFD EAD and deferred action are valid for four years and is renewable. PM vol. 3, pt. C, ch. 5.

25. USCIS lists four circumstances when early revocation of deferred action is appropriate: (1) “if USCIS determines a national security or public safety concern is present,” (2) “if USCIS determines the BFD EAD and deferred action is no longer warranted,” (3) if “the Form I-918 Supplement B law

enforcement certification is withdrawn” by the certifying agency, or (4) USCIS determines the prior BFD EAD was issued in error. *Id.* If changed circumstances appear to warrant such revocation, USCIS “initiates a waiting list adjudication to gather additional information and evidence.” *Id.* ch. 5.C.1.

26. Because deferred action for those on the waiting list is mandatory by regulation, it can only be revoked due to a material change in eligibility for the U Visa. *See* 8 C.F.R. § 214.14(d)(2)-(3).

### **FACTS AND PROCEDURAL HISTORY**

27. Mr. Gordillo Sanchez is a citizen of Mexico. In October of 2000 he entered the United States without inspection. Mr. Gordillo Sanchez was not apprehended by immigration officials upon entering the United States. He has resided in the United States since that time.

28. Mr. Gordillo Sanchez lives with his family in South Philadelphia. With his wife, Mr. Gordillo Sanchez has two U.S. citizen children ages 16 and 18. His 18-year old daughter is a student at Temple University. Mr. Gordillo Sanchez has two other children who reside in Mexico.

29. On March 7, 2012, Mr. Gordillo Sanchez was a victim of a robbery. In the course of the robbery he was stabbed twice in the right side of his upper back. Mr. Gordillo Sanchez’s injuries required medical attention. He

cooperated with the Philadelphia District Attorney's office in the investigation and prosecution of his assailant.

30. On September 22, 2017, Mr. Gordillo Sanchez submitted an application for U Nonimmigrant Status ("a U-Visa"). Exh. B.

31. On July 19, 2022, the Citizenship and Immigration Service (USCIS) made a bona fide determination regarding Mr. Gordillo Sanchez's U Visa application. Exh. C. Accordingly, USCIS granted Mr. Gordillo Sanchez deferred action and employment authorization pursuant to 8 U.S.C. § 1184(p)(6). Exh. C.

32. On the morning of Sunday, February 1, 2026, at approximately 6:30am, Mr. Gordillo Sanchez was shoveling snow outside of his home. He was shoveling in order to free the family car from the snow and ice so that Mr. Gordillo Sanchez's wife could travel to work. While he shoveled, three ICE agent approached Mr. Gordillo Sanchez and surrounded him. The ICE agents asked Mr. Gordillo Sanchez where he was from and if he spoke English. After a brief conversation, the ICE agents handcuffed him. Bystanders stopped to ask Mr. Gordillo Sanchez if he needed help, and whether he was being detained. ICE agents told the bystanders that they were detaining him. The agents then led Mr. Gordillo Sanchez into a black SUV. The encounter lasted approximately ten minutes.

33. Mr. Gordillo Sanchez suffers from a variety of chronic medical conditions including type 2 diabetes, high blood pressure, and high cholesterol, requiring continuous medication.

34. Respondents served Mr. Gordillo Sanchez with a Notice to Appear charging that he was removable under INA 212(a)(6)(A)(i); 8 U.S.C. § 1182(a)(6)(A)(i) as a noncitizen present in the United States without having been admitted or paroled. Exh. D. The Notice to Appear alternatively charges that he is removable under INA 212(a)(7)(A)(i)(I); 8 U.S.C. § 1182(a)(7)(A)(i)(I) for lacking valid entry documents. *Id.* An initial hearing in the Immigration Court has been set for February 12, 2026. *Id.*

35. Mr. Gordillo Sanchez is presently being detained at FDC-Philadelphia. Exh. A.

## **CLAIM FOR RELIEF**

### **COUNT ONE**

#### **VIOLATION OF DUE PROCESS, U.S. CONST. AMEND. V DENIAL OF A PRE-DEPRIVATION CUSTODY DETERMINATION**

36. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

37. The Fifth Amendment's Due Process Clause prevents the

Government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. amend. V.

38. The Due Process Clause extends to noncitizens residing in the United States, whether they have lawful status or not. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Specifically, “[i]t is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *see also Abdulai v. Ashcroft*, 239 F.3d 542, 549 (3d Cir. 2001) (“[Non-citizens] facing removal are entitled to due process”); *Calderon-Rosas v. Atty’ Gen.*, 957 F.3d 378, 386 (3d Cir. 2020) (“In sum, petitioners seeking discretionary relief are entitled to fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim.”).

39. Evaluating the adequacy of the process provided to a non-citizen requires a balancing of factors. “First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S.

319, 335 (1976).

40. First, Mr. Gordillo Sanchez faces “the most significant liberty interest there is—the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Second, Respondents have erroneously deprived Mr. Gordillo Sanchez of his liberty without any individualized assessment of his circumstances. Third, Respondents did not make any individualized finding that Mr. Gordillo Sanchez was a danger or flight risk, so there does not appear to be a significant government interest in detaining Mr. Gordillo Sanchez

41. An application of these factors demonstrates that Mr. Gordillo Sanchez should have been provided with additional process before being detained. *See Kashranov v. Jamison*, No. 2:25-cv-05555, 2025 U.S. Dist. LEXIS 224644, at \*13 (E.D. Pa. Nov. 14, 2025) (“In this case, all three *Mathews* factors weigh in favor of [Petitioner]. The *Mathews* factors therefore indicate that due process compels a pre-deprivation bond hearing.”).

42. Mr. Gordillo Sanchez has a strong liberty interest in being freed from detention. The lack of any individualized assessment here creates a high risk of error as there is no indication that Mr. Gordillo Sanchez is a danger or flight risk. He has no criminal record nor any other history indicating that he would be a danger

to persons or property. His over 25 years of residency in the U.S., strong family ties, and imminent immigration relief in the form of a U Visa application that has already been deemed bona fide by USCIS means that he has every incentive to attend future hearings. Had Respondents made the individualized determination required by the INA and its regulations, it would have concluded that there is no need to detain Mr. Gordillo Sanchez in order to assure his appearance at future hearings. And a bond hearing imposes minimal administrative burden.

43. Accordingly, Mr. Gordillo Sanchez's February 1, 2026 detention violated the Fifth Amendment.

## **COUNT TWO**

### **VIOLATION OF DUE PROCESS, U.S. CONST. AMEND. V UNLAWFUL DETENTION WHILE IN DEFERRED ACTION**

44. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

45. Respondents have not engaged in any effort to formally revoke Mr. Gordillo Sanchez's deferred action status, he maintains authorized presence in the United States that generally prohibits his removal. In granting Mr. Gordillo Sanchez deferred action status, "USCIS solicited applications from eligible [noncitizens], instituted a standardized review process, and sent formal notices

indicating whether [he] would receive the [four]-year forbearance.” *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 18 (2020). “[T]he result of these adjudications—DHS’s decision to grant deferred action...—is an affirmative act of approval” that “confer[s] affirmative immigration relief.” *Id.* “[D]eferred actions recipients are considered ‘lawfully present for purposes of, and therefore eligible to receive, [federal] benefits.’” *Id.* at 10. Thus, a “grant of [deferred action] constitutes a conferred benefit that requires procedural safeguards before it can be terminated.” *Inland Empire – Immigrant Youth Collective v. Nielsen*, No. EDCV 17-2048 PSGSHKX, 2018 WL 4998230, at \*19-20 (C.D. Cal. Apr. 19, 2018).

46. By detaining Mr. Gordillo Sanchez without first revoking his deferred action status, Respondents have denied Mr. Gordillo Sanchez due process under the law.

### **COUNT THREE**

#### **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a)**

47. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

48. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds

of inadmissibility. As, relevant here, it does not apply to those who have been residing in the United States at liberty for decades. *See Kashranov*, 2025 U.S. Dist. LEXIS 224644, at \* 20 (rejecting the argument that § 1225(b)(2)(A) applies to individuals “who have already entered and resided in the United States for an extended period.”); *see also Quispe v. Crawford*, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799, at \*5 (E.D. Va. Sept. 29, 2025) (“Indeed, as Respondents recognize, other federal courts around the country have found that in order to be detained under § 1225(b)(2), applicants for admission must be actively ‘seeking admission’ and not be just ‘present’ in the U.S.”). Such noncitizens, if detained, are done so under § 1226(a), and are generally eligible release on bond.

49. Respondents’ authority to detain Mr. Gordillo Sanchez is derived from 8 U.S.C. § 1226(a) as Mr. Gordillo Sanchez is already present in the United States.

50. Respondents’ position that Mr. Gordillo Sanchez is detained pursuant to 8 U.S.C. § 1225(b)(2)(A) is erroneous. Mr. Gordillo Sanchez has been present in the United States for over two decades. This conflicts with Respondents’ position that Mr. Gordillo Sanchez is an applicant for admission “seeking admission”. *See Yagure Hurtado*, 29 I&N Dec. 218-19 (citing 8 U.S.C. § 1225(b)(2)(A)).

51. Respondents have detained Mr. Gordillo Sanchez without making an individualized determination regarding whether he posed a danger or flight risk as required by 8 U.S.C. § 1226(a) and its regulations.

52. Moreover, Respondents' current policies as set forth in the BIA's decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado* unlawfully prevent Mr. Gordillo Sanchez from obtaining a custody redetermination in front of an Immigration Judge as is his right by statute.

#### **COUNT FOUR**

#### **VIOLATION OF THE BOND REGULATIONS, 8 C.F.R. § 236.1, 1236.1 and 1003.19**

53. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

54. In 1997, after Congress amended the INA through IIRIRA, EOIR the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "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 (emphasis

added). Thus, the agencies made clear that non-citizens present in the United States would be eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

55. Yet, Respondents have adopted a policy and practice of applying § 1225(b)(2) to non-citizens like Mr. Gordillo Sanchez who are present in the United States without being admitted or paroled.

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

#### **COUNT FIVE**

#### **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (“APA”), 5 U.S.C. § 701, et. seq.**

57. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

58. Mr. Gordillo Sanchez is aggrieved by agency action under the Administrative Procedure Act, 5 U.S.C. §§ 701 *et. seq.*

59. Respondents’ recent policies announced through administrative decisions issued by the BIA unlawfully withhold the right to a bond hearing under 8 U.S.C. § 1226(a) to Mr. Gordillo Sanchez.

60. These policies are arbitrary, capricious, and not in accordance with the text of the INA.

**PRAYER FOR RELIEF**

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

1. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody on his own recognizance, with all of his property that was on his person at the time of detention, or under parole, bond or reasonable conditions of supervision, on the ground that his continued detention by the Department of Homeland Security violates his Due Process rights;

2. Issue a writ requiring an immediate, constitutionally adequate hearing before an Immigration Judge, at which: (i) DHS bears the burden to demonstrate, by clear and convincing evidence, that Petitioner's continued detention is necessary, and (ii) the immigration judge considers Petitioner's ability to pay a bond;

3. While this petition is pending, order Petitioner's immediate release pursuant to the Court's inherent authority to release habeas corpus petitioners on bail;

4. Enter a judgment declaring that Respondents' detention of Petitioner is unauthorized by statute and contrary to law and the U.S. Constitution;
5. Award Petitioner reasonable costs and attorneys' fees;
6. Grant any further relief that this Court may deem fit and proper.

Dated: February 2, 2026

Respectfully submitted,

/s/ Christopher P. Setz-Kelly  
Christopher P. Setz-Kelly (PA ID No.  
317290)  
HIAS PENNSYLVANIA  
P.O. Box 8688  
Philadelphia, PA 19101  
p: (215) 346-8069  
f: (215) 832-0900  
csetz@hiaspa.org

*Attorney for Petitioner*

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF**  
**PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys, and I have discussed the claims with Petitioner's legal team. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: February 2, 2026

Respectfully submitted,

/s/ Christopher Setz-Kelly  
Christopher Setz-Kelly, Esq.

## **LIST OF EXHIBITS**

- A. Federal Bureau of Prisons website screen confirming that Petitioner is detained at FDC-Philadelphia
- B. U Visa Application Receipt Notice, dated September 22, 2017
- C. U Visa bona fide determination granting Petitioner deferred action, dated July 19, 2022
- D. Notice to Appear, dated February 1, 2026

# EXHIBIT A

An official website of the United States government. Here's how you know

[Home](#)

[About Us](#)

[Inmates](#)

[Locations](#)

[Careers](#)

[Business](#)

[Resources](#)

[Contact Us](#)

# Find an inmate

[Find By Number](#)

[Find By Name](#)

**First Name**

Manuel

**Middle Name**

**Last Name**

Gordillo Sanchez

**Race**

**Sex**

**Age**

[Clear Form](#)

1 result found.

- 1 **Name:** MANUEL GORDILLO SANCHEZ  
**Register Number:** 36599-506  
**Age:** 57  
**Race:** White  
**Sex:** Male  
**Release Date:** UNKNOWN  
**Located At:** [FDC Philadelphia](#)

[New Search](#)

Our records contain information about federal inmates incarcerated from 1982 to the present.

About the locator & record availability

**About Us**

[About Our Agency](#)  
[About Our Facilities](#)  
[Historical Information](#)  
[Statistics](#)

**Inmates**

[Find an Inmate](#)  
[First Step Act](#)  
[Communications](#)  
[Custody & Care](#)  
[Visiting](#)  
[Report a Concern](#)

**Locations**

[List of our Facilities](#)  
[Map of our Locations](#)  
[Search for a Facility](#)

**Careers**

[Life at the BOP](#)  
[Explore Opportunities](#)  
[Current Openings](#)  
[Application Process](#)  
[Our Hiring Process](#)

**Business**

[Acquisitions](#)  
[Solicitations & Awards](#)  
[Reentry Contracting](#)

**Resources**

[Policy & Forms](#)  
[News Stories](#)  
[Press Releases](#)  
[Publications](#)  
[Research & Reports](#)

**Resources For ...**

[Victims & Witnesses](#)  
[Employees](#)  
[Volunteers](#)  
[Former Inmates](#)  
[Media Reps](#)

# EXHIBIT C



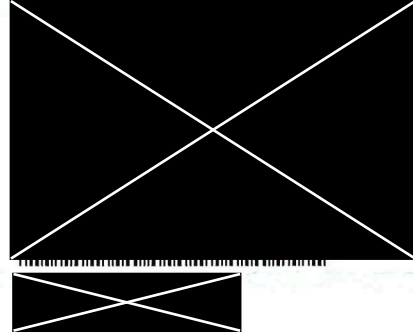
July 19, 2022

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
38 River Road  
Essex Junction, VT 05479-0001



U.S. Citizenship  
and Immigration  
Services

PHILIPPE WEISZ  
HIAS PENNSYLVANIA  
600 CHESTNUT STREET STE 500B  
PHILADELPHIA, PA 19106



RE: MANUEL ANTONIO GORDILLO SANCHEZ  
I-918, Petition for U Nonimmigrant Status

**CORRESPONDENCE**

On September 22, 2017, you submitted a Form I-918, Petition for U Nonimmigrant Status. As the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year, U.S. Citizenship and Immigration Services (USCIS) may not grant U-1 nonimmigrant status to any petitioner until new visas become available. Under 8 U.S.C. 1184(p)(6) and 1103(a), the Department of Homeland Security (DHS) may conduct a bona fide determination, and if warranted as a matter of discretion, provide employment authorization and deferred action.

At this time, the evidence demonstrates your petition for U nonimmigrant status is bona fide, and you warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined your petition is bona fide and you warrant a favorable exercise of discretion, you will be issued an employment authorization document and have been placed in deferred action. Your employment authorization document and grant of deferred action are valid for a period of four years. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.

Under 8 U.S.C. 1184(p)(6), if USCIS determines your petition is bona fide, you may submit a Form I-765, Application for Employment Authorization with this office. USCIS grants employment authorization based on the bona fide determination and favorable exercise of discretion described above under 8 U.S.C. 1184(p)(6), as well as under 8 CFR 274a.12(c)(14), which gives the agency the authority to provide employment authorization to noncitizens placed in deferred action. On September 17, 2022, you filed a Form I-765, [REDACTED] under 8 CFR, section 274a.12(c)(14). This Form I-765 is based on your pending Form I-918, which USCIS has determined is bona fide. Please be aware that your currently filed Form I-765 will be adjudicated as if it were filed under 8 CFR, section 274a.12(c)(14). You will receive separate correspondence regarding the adjudication of your Form I-765.

Priority for the issuance of U nonimmigrant status will be determined by the date the Form I-918 was received by USCIS. Once a visa is available to you, USCIS will determine your eligibility for U nonimmigrant status and whether you are admissible to the United States.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.



This notice does not constitute valid U nonimmigrant status or employment authorization, and may not be used to demonstrate legal immigration or employment status.

Sincerely,



Laura B. Zuchowski  
Director



# EXHIBIT D

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: MANUEL GORDILLO SANCHEZ

currently residing at:

[REDACTED]

[REDACTED]

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near Unknown, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

625 EVANS ST, RM 148A, ELIZABETH, NEW JERSEY 07201. ELIZABETH - VIDEO HEARINGS

(Complete Address of Immigration Court, including Room Number, if any)

on February 12, 2026 at 1:00 pm to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

T 7018 SULLIVAN - SDDO

(Signature and Title of Issuing Officer)

Date: February 1, 2026

Philadelphia, PA

(City and State)

EOIR - 1 of 4

**Notice to Respondent**

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

**One-Year Asylum Application Deadline:** If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

**Request for Prompt Hearing**

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

\_\_\_\_\_  
(Signature of Respondent)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature and Title of Immigration Officer)

**Certificate of Service**

This Notice To Appear was served on the respondent by me on February 1, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person     by certified mail, returned receipt # \_\_\_\_\_ requested     by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to sign  
\_\_\_\_\_  
(Signature of Respondent if Personally Served)

[Signature]  
\_\_\_\_\_  
J 13476 BAUDILLE - Deportation Officer  
(Signature and Title of officer)

EOIR - 2 of 4

### Privacy Act Statement

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.


For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

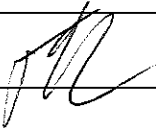
Continuation Page for Form I-862

Alien's Name GORDILLO SANCHEZ, MANUEL	File Number 	Date 02/01/2026
--	---	--------------------

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

-----  
212(a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a) (7) (A) (i) (I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature T 7018 SULLIVAN 	Title SDDO
---	---------------

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

MANUEL GORDILLO SANCHEZ

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Christopher Setz-Kelly, HIAS Pennsylvania, PO Box 8688, Philadelphia, PA 19101, (215) 346-8069

DEFENDANTS

J.L. Jamison, Brian McShane, Todd Lyons, Kristi Noem, Pamela Bondi, U.S. Department of Homeland Security

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

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

Attorneys (If Known)

U.S. Attorney

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)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, 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. 2241; U.S. Const. 5th Amendment; 5 U.S.C. 704. Brief description of cause: Unlawful immigration detention

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 02/02/2026 SIGNATURE OF ATTORNEY OF RECORD /s/ Christopher Setz-Kelly

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.  
 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.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: ICE Field Office, 114 N. 8th Street, Philadelphia, PA 19107

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:

[X] 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.