

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

RICARDO DE LEON TREJO

Petitioner

v.

Scott Ladwig, Acting Director of the New Orleans Field Office of ICE,
in his official capacity; TOM SPANGLER, Sheriff of Knox County,
Tennessee, in his official capacity

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. to be provided by clerk

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: DE LEON TREJO, RICARDO

(b) Other names you have used: _____

2. Place of confinement:

(a) Name of institution: Knox County Jail

(b) Address: 400 Main St SW, Knoxville, TN 37902

(c) Your identification number: _____ Alien Number: [REDACTED]

3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain: _____

4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

(a) Name and location of court that sentenced you: _____

(b) Docket number of criminal case: _____

(c) Date of sentencing: _____

☒ Being held on an immigration charge

☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☒ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): The unlawful classification of Petitioner as a mandatory detainee under
INA § 235(b)(2)(A), which denies the Petitioner his statutory and constitutional right to a bond under
INA § 236(a).

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Knoxville ICE Field Office Enforcement and
Removal Operations, 324 Prosperity Drive, Knoxville, TN 37923
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Detention without bond and/or detention without individualized bond redetermination
- (d) Date of the decision or action: 01/27/26 (ICE ERO Knoxville)

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- ☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: Exhaustion is excused because the administrative remedy is futile because EOIR is following the BIA's illegal holding in Yajure Hurtado

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

Exhaustion is excused because the administrative remedy is futile. The DOJ has instructed immigration courts nationwide to ignore the federal court ruling in Maldonado Bautista and continue to apply Matter of Yajure Hurtado

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 01/27/2026
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____
- _____
- _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Grounds for Your Challenge in This Petition

- 13.** State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: The mandatory detention is unlawful because the classification under INA § 235(b)(2)(A) is incorrect as a matter of law, requiring de novo post-Loper Bright (2024).

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Ricardo has lived in US for several years. He has 3 US citizen children and a US citizen partner. Ricardo also has a pending application for lawful permanent residence and an approved work permit. Ricardo has voluntarily presented for prior immigration appointments. Ricardo has no notable criminal history. Despite these facts, ICE illegally profiled Ricardo and initiated a baseless stop while Ricardo was leaving a Home Depot. Then, ICE contrary to law, classified Ricardo as a person "seeking admission" at the border and denying Ricardo his right to individualized bond determination even though he is a long time interior resident.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: The mandatory detention is unlawful because Ricardo is a member of the "Bond Eligible Class" certified by binding federal court declaratory judgment in Maldonado Bautista.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Ricardo is an EWI noncitizen who was detained in the interior. A federal district court certified a nationwide class of people in this exact situation and declared the government's policy of denying bond as illegal. Ricardo was entitled to relief under this binding judgment.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Continued mandatory detention violates the Fifth Amendment Due Process Clause by subjecting Ricardo to prolonged and potentially indefinite detention without individualized custody redetermination. Additionally, ICE's decision to detain Ricardo without individualized review violates its statutory and regulatory duty under the APA and thus violates the Due Process Clause.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The administrative policy and abdication of duty forces Ricardo into prolonged, unnecessary detention without bond. Ricardo is neither a danger to the community nor a flight risk--in fact, Ricardo has voluntarily presented for immigration appointment in the past evidencing his immense willingness to comply with all immigration supervision requirements.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Even if administrative remedies were not exhausted it does not change the result here because all administrative remedies are futile. BIA established controlling administrative precedent (Matter of Yajure Hurtado), which holds that immigration judges lack jurisdiction to grant bond. The DOJ has instructed the EOIR to follow Yajure Hurtado despite the federal district court's ruling in Maldonado Bautista (i.e. futile).

Request for Relief

15. State exactly what you want the court to do: 1. IMMEDIATELY ISSUE an Order to Show Cause mandating a Stay of Transfer from the Eastern District of TN and prompt response to this Petition; 2. GRANT the Petition for Writ of Habeas, finding Petitioner's detention under INA § 235(b)(2)(A) to be unlawful and ORDER the Petitioner's immediate release. 3. In the alternative, ORDER ICE to conduct an individual bond determination and ORDER an EOIR bond hearing within 48 hours should ICE deny bond. 5. GRANT the motion for TRO and ORDER release pending final adjudication of the Writ

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 02/02/2026

Signature of Petitioner

/ s / David Goldman

Signature of Attorney or other authorized person, if any