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6
7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9
10 Arnaldo Jeronimo Perez,

11 Petitioner,

12 vs.

13 JAREMY CASEY, Administrator of Imperial
Detention Center, GREGORY J.
14 ARCHAMBEAULT, Field Officer Director for
the San Diego Immigration and Customs
15 Enforcement Office; TODD LYONS, Acting
Director of United States Immigration and
16 Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
17 Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
18 their official capacities,

19 Respondents.
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Case No. '26CV0655 JES BLM

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

- 2 1. Petitioner Arnoldo Jeronimo Perez (“Mr. Jeronimo”) is a nineteen-year-old Guatemalan
3 national who has been residing in the United States since 2022. He was apprehended by
4 immigration authorities on November 21, 2025, in Newberry Springs, California as he
5 was driving from Georgia to California to pick up his younger sister from an Office of
6 Refugee Resettlement (“ORR”) Shelter.
- 7 2. Mr. Jeronimo arrived in the United States as a minor and was later apprehended by
8 border officials and designated an Unaccompanied Alien Child (“UAC”).
- 9 3. He was residing in the Atlanta, Georgia metro area at the time of his unlawful arrest in
10 November 2025.
- 11 4. Mr. Jeronimo has been detained at the Imperial Detention Facility in Calexico, California
12 for nearly two months now, over two-thousand miles away from his U.S. Citizen partner,
13 his minor sister, and his friends.
- 14 5. Mr. Jeronimo has no criminal history. He has significant ties to the United States and is
15 not a danger to the community.
- 16 6. After his arrest, Mr. Jeronimo was denied release by the Department of Homeland
17 Security (“DHS”), and sought a bond determination hearing before an immigration judge
18 (“IJ”). On January 13, 2026, Mr. Jeronimo, represented by his attorney, had a bond
19 hearing in front of an IJ. Mr. Jeronimo’s attorney argued that he was not subject to
20 mandatory detention under the Trafficking Victims Protection and Reauthorization Act
21 (“TVPRA”). The Government argued Mr. Jeronimo was subject to mandatory detention
22 under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The IJ did not
23 immediately render a decision. On January 23, 2026, more than a week after the bond
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1 hearing, the judge erroneously ruled that he did not have jurisdiction to hear Mr.

2 Jeronimo's case under *Yajure Hurtado*.

3 7. On September 5, 2025, the Board of Immigration Appeals ("BIA") adopted the novel
4 position relied on by the IJ in denying jurisdiction. *See Matter of Yajure Hurtado*, 29
5 I&N Dec. 216 (BIA 2025). In that case, the BIA held that all noncitizens who entered the
6 U.S. without admission or parole are subject to mandatory detention under 8 U.S.C. §
7 1225(b)(2)(A), and therefore ineligible for bond hearings before an IJ. This position was
8 initially outlined in a policy¹ issued by DHS on July 8, 2025, wherein the agency adopted
9 a novel interpretation of the immigration statutes to find that anyone who entered the
10 United States without admission or inspection was subject to mandatory detention during
11 the entire removal hearing process under 8 U.S.C. § 1225(b)(2)(A).

12 8. Courts have uniformly rejected DHS and EOIR's unfounded interpretation because it
13 plainly violates the INA. As myriad courts have explained, the plain text of the
14 statute demonstrates that another provision of the INA, 8 U.S.C. § 1226(a), not §
15 1225(b), applies to individuals like Mr. Jeronimo. *See, e.g., Diaz Martinez v.*
16 *Hyde*, 2025 WL 2084238, No. CV-25-11613-BEM (D. Mass. Jul. 24, 2025); *Rosado*
17 *v. Figueroa*, 2025 WL 2337099, No. CV-25-02157-PHX-DLR (CDB) (D. Ariz. Aug.
18 11, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588, No. 25 CIV. 5937 (DEH)
19 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, 2025 WL 2374411, No. 0:25-cv-
20 03142-SRN-SGE (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL
21 2379285, No. 5:25-cv-01789-ODW (DFMx) (C.D. Cal. Aug. 15, 2025); *Ramirez*
22 *Clavijo v. Kaiser*, 2025 WL 2419263, No. 25-CV-06248-BLF (N.D. Cal. Aug. 21,

23 _____
24 ¹ Available at: <https://impolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/>.

1 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025, No. 1:25-cv-02428-JRR (D.
2 Md. Aug. 24, 2025); *Kostak v. Trump*, 2025 WL 2472136, No. 3:25-cv-01093-JE-
3 KDM (W.D. La. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379, No.
4 2:25-cv-12486-BRM-EAS (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*,
5 2025 WL 2549431, No. 25-cv-02180-DMS-MMP (S.D. Cal. Sept. 3,
6 2025); *Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, No. 5:25-cv-02304-CAS
7 (BFM) (C.D. Cal. Sept. 8, 2025).

8 9. The bond hearing described supra paragraph 6 came after Mr. Jeronimo's second bond
9 request, which he submitted on January 8, 2026, in light of the decision of the Central
10 District of California in *Maldonado Bautista*,, which granted partial summary judgment
11 for detained noncitizens in a similar posture and rejecting the Government's contention
12 that noncitizens such as Mr. Jeronimo, who have resided in the United States for years,
13 yet entered without inspection, are considered "arriving aliens" and therefore ineligible
14 for bond. *See Maldonado Bautista v. Santacruz et al.*, No. 5:25-cv-01873-SSS-BFM
15 (C.D. Cal. Nov. 20, 2025).

16 10. In addition, § 1225(b)(2)(A) does not apply to individuals, like Mr. Jeronimo, who was
17 previously designated as an unaccompanied minor. The authority by which DHS could
18 detain these individuals is governed by another statute, the Trafficking Victims Protection
19 and Reauthorization Act ("TVPRA"), which does not mandate detention, and instead
20 requires DHS to consider the "least restrictive placement," necessary to prevent danger or
21 risk of flight, including alternative to detention programs. 8 U.S.C. § 1232(c)(2)(B).

22 11. Alternatively, individuals such as Mr. Jeronimo, who are present within the United States
23 and not seeking admission at the border, are subject to detention under another provision
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1 of the INA, 8 U.S.C. § 1226(a), and eligible for release on bond. *See Maldonado*
2 *Bautista*, No. 5:25-cv-01873-SSS-BFM.

3 12. Absent an order from this Court, Mr. Jeronimo will remain indefinitely and unlawfully
4 detained, without any avenue for a neutral arbiter to adjudicate whether his continued
5 detention is lawful because DHS and the Executive Office of Immigration Review
6 (EOIR) – namely, immigration prosecutors and IJs – have concluded that he is subject to
7 mandatory detention, contrary to decades of caselaw, DHS and ICE enforcement
8 practices, legislative interpretation, and the plain statutory language of the INA.

9 13. In addition, Respondents’ policy clearly runs afoul of Mr. Jeronimo’s constitutional due
10 process rights, rights to which “all ‘persons’ within the United States, including aliens,
11 whether their presence here is lawful, unlawful, temporary, or permanent,” are entitled.
12 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

13 14. Therefore, each day that Respondents continue to detain Mr. Jeronimo, they are violating
14 his constitutional and statutory rights. Indeed, Mr. Jeronimo’s continued detention is
15 causing him immense, ongoing harm, including mental anguish and ongoing separation
16 from his partner, his sister, and his community.

17 15. As such, Mr. Jeronimo respectfully requests that this Court issue a writ of habeas corpus
18 ordering his immediate release pursuant to the terms of his prior release from ORR custody, or,
19 in the alternative, a bond hearing before a neutral, at which Respondents must demonstrate their
20 compliance with the TVPRA, which states that the DHS Secretary “shall consider placement in
21 the least restrictive setting available” after taking into account Mr. Jeronimo’s “danger to self,
22 danger to the community, and risk of flight,” and recognizing that Mr. Jeronimo “shall be eligible
23 to participate in alternative to detention programs.” 8 U.S.C. § 1232(c)(2)(B).
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JURISDICTION

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2 16. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. §
3 1331 (federal question), and Article I, section 9, clause 2 of the United States
4 Constitution (the Suspension Clause).

5 17. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act,
6 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7
8 18. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500
9 (1973), venue lies in the United States District Court for the Southern District of
10 California, the judicial district in which Mr. Jeronimo currently is detained at the Imperial
11 Detention Center in Calexico, California.

12 19. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
13 Respondents are employees, officers, and agencies of the United States, and because a
14 substantial part of the events or omissions giving rise to the claims occurred in the
15 Southern District of California.

PARTIES

16
17 20. Petitioner Arnoldo Jeronimo Perez is a citizen of Guatemala who has been in
18 immigration detention at the Imperial Detention Center since November 22, 2025.

19 21. Respondent Gregory J. Archambeault is the Director of the San Diego Field Office of
20 ICE's Enforcement and Removal Operations division. As such Mr. Archambeault is Mr.
21 Jeronimo's immediate custodian and is responsible for Mr. Jeronimo's detention. He is
22 named in his official capacity.

1 22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is
2 responsible for the implementation and enforcement of the Immigration and Nationality
3 Act (INA), and oversees ICE, which is responsible for Mr. Jeronimo's detention. Ms.
4 Noem has ultimate custodial authority over Mr. Jeronimo and is sued in her official
5 capacity.

6 23. Respondent Todd Lyons is the Acting Director of Immigration and Customs
7 Enforcement. ICE is responsible for Mr. Jeronimo's detention. He is sued in his official
8 capacity.

9 24. Respondent Pamela Bondi is the Attorney General of the United States. She is
10 responsible for the Department of Justice, of which the Executive Office for Immigration
11 Review and the immigration court system it operates is a component agency. She is sued
12 in her official capacity.

13 25. Respondent Jaremy Casey is employed by Management & Training Corporation as
14 Administrator of the Imperial Detention Center, where Mr. Jeronimo is detained. He has
15 immediate physical custody of Mr. Jeronimo. He is sued in his official capacity.

16 **FACTS**

17 26. Petitioner Jeronimo has resided in the United States since around May 5, 2022, and
18 lives in the Atlanta, Georgia area. Upon his arrival in the United States, he was
19 designated an unaccompanied minor, transferred to the custody of the Office of
20 Refugee Resettlement, and ultimately released to the care of his aunt shortly after he
21 crossed the border near El Paso, Texas in May 2022. Mr. Jeronimo then resided
22 with his aunt in Georgia, where he has resided since.
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1 27. Mr. Jeronimo has a U.S. Citizen partner and an unaccompanied minor sister. He has no
2 criminal history and has extensive ties to the United States. He has many friends and
3 family members in the Atlanta area. He enjoys playing soccer with his friends and is a
4 devoted partner and older brother. He is neither a danger to the community nor a flight
5 risk.

6 28. On November 21, 2025, he was arrested by immigration authorities while driving
7 through Newberry Springs, California. Mr. Jeronimo was in California on his way
8 to pick up his minor sister from an ORR shelter so that she could reunite with Mr.
9 Jeronimo and their family in Georgia. Mr. Jeronimo's sister waited for her brother
10 to arrive, but he never came. After a while, Mr. Jeronimo's family was able to
11 locate him and discovered he had been taken into immigration custody.

12 29. He was placed into removal proceedings to appear before an IJ, and was charged with
13 having entered the United States without inspection and being present without valid
14 immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i).

15 30. ICE denied Mr. Jeronimo's request for release, and he requested a bond
16 hearing before an immigration judge.

17 31. On January 13, 2026, Mr. Jeronimo appeared with his attorney in a bond hearing at
18 the Imperial Immigration Court. After hearing both Mr. Jeronimo and the
19 Government's arguments, the Immigration Judge stated he would need more time to
20 decide on the issue of jurisdiction. The IJ ruled on January 23, 2026 that he lacked
21 jurisdiction to hear the case and denied bond.

22 32. Any appeal to the Board of Immigration Appeals is futile. Given DHS's July 8,
23 2025 policy, which states it is the Department's position that all persons who
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1 entered without inspection are “applicants for admission” and therefore subject to
2 mandatory detention as well as the recently published BIA decision in *Matter of*
3 *Yajure Hurtado*, holding that IJs lack jurisdiction to hear bond cases even for
4 individuals like Mr. Jeronimo, who have been in the United States for many years,
5 seeking BIA review would be futile. See Department of Homeland Security, *Interim*
6 *Guidance Regarding Detention Authority for Applicants for Admission*, July 8,
7 2025, available at [https://immpolicytracking.org/policies/ice-issues-memo-](https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents)
8 [eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents](https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents).

9 LEGAL BACKGROUND

10 I. Law and Procedure Governing this Habeas Petition.

11 33. The “historic purpose of the writ” of habeas corpus is “to relieve detention by
12 executive authorities without judicial trial.” *Zadvydas v. Davis*, 533 U.S. 678, 699
13 (2001) (cleaned up). A writ under 28 U.S.C. § 2241 may issue if, among other
14 things, a person “is in custody under or by color of the authority of the United
15 States,” or is “in custody in violation of the Constitution or laws or treaties of the
16 United States.” 8 U.S.C. § 2241(c). A habeas court’s role is at its “most extensive in
17 cases of pretrial and noncriminal detention,” especially “where there ha[s] been
18 little or no previous judicial review of the cause for detention,” as is the case here.
19 *Boumediene v. Bush*, 553 U.S. 723, 780 (2008).

20 34. A court “entertaining an application for a writ of habeas corpus shall forthwith
21 award the writ or issue an order directing the respondent to show cause why the
22 writ should not be granted, unless it appears from the application that the applicant
23 or person detained is not entitled thereto.” 28 U.S.C. § 2243. “The writ, or order to
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1 show cause shall be directed to the person having custody of the person detained. It
2 shall be returned within three days unless for good cause additional time, not
3 exceeding twenty days, is allowed.” *Id.*

4 35. Once the government files its return, the Court shall set a “hearing, not more than
5 five days after the return unless for good cause additional time is allowed.” *Id.* “The
6 court shall summarily hear and determine the facts, and dispose of the matter as law
7 and justice require.” *Id.*

8 36. Because the habeas statute “does not specifically require petitioners to exhaust
9 direct appeals before filing petitions for habeas corpus,” exhaustion in this case is
10 “a prudential requirement” that this Court “has discretion to waive.” *Acevedo-*
11 *Carranza*, 371 F.3d at 541. Indeed, exhaustion of remedies “is not required when to
12 resort to such remedies would be futile,” *id.* at 541-42, nor is it required where
13 “irreparable injury will result.” *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir.
14 2004).

15
16 **II. The TVPRA and its Continued Application to Individuals Who Age Out of**
17 **ORR Custody**

18 37. The Trafficking Victims Protection and Reauthorization Act (“TVPRA”) governs
19 the detention and custody of unaccompanied minors encountered at or near the
20 border. The TVPRA does not mandate detention. 8 U.S.C. § 1232(c)(2)(A)–(B). It
21 provides that the government place unaccompanied minor children “in the least
22 restrictive setting that is in the best interest of the child.” *Id.*

23 38. In making custody determinations, the Office of Refugee Resettlement (“ORR”)
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1 should consider “danger to self, danger to the community, and risk of flight.” 8
2 U.S.C. § 1232(c)(2)(A). In releasing an unaccompanied minor, ORR necessarily
3 makes a determination that the minor is not a flight risk, danger to themselves, or to
4 the community. *See Saravia v. Sessions*, 280 F.Supp. 3d 1168, 1176, 1178 (N.D.
5 Cal. 2017). Once released from ORR custody, federal agents must be able to
6 present evidence of materially changed circumstances to justify re-detention of an
7 unaccompanied minor. *Id.* at 1176-77.

8 39. In addition, when an individual previously designated as an unaccompanied minor
9 reaches the age of 18, they are thereby transferred to the “custody” of DHS, and the
10 Secretary of DHS “shall consider” their placement “in the least restrictive setting
11 available.” 8 U.S.C. § 1232(c)(2)(B). Specifically, noncitizens in this posture “shall
12 be eligible to participate in alternative to detention programs.” *Id.*

13 40. The Eastern District of California has found that the Fifth Amendment Due Process
14 Clause bars the government from re-detaining an individual who had been
15 designated an unaccompanied alien child without a bond hearing, even where the
16 individual has turned 18 or is reunited with a parent or guardian. *R.D.T.M. v.*
17 *Wofford*, No. 1:25-CV-01141-KES-SKO (HC), 2025 WL 2617255 (E.D. Cal. Sept.
18 9, 2025). The TVPRA controls in such cases, and the government must provide a
19 pre-deprivation hearing before re-detaining the individual. *Id.*

20 **III. Statutes and Regulations Governing Detention of Noncitizens Generally**

21 41. Alternatively, the Immigration and Nationality Act (INA) prescribes three basic
22 forms of detention for adult noncitizens in removal proceedings.

23 42. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-
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1 expedited removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. §
2 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset
3 of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who
4 have been arrested, charged with, or convicted of certain crimes are subject to
5 mandatory detention, *see* 8 U.S.C. § 1226(c).

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

9 44. Last, the Act also provides for detention of noncitizens who have been previously
10 ordered removed, including individuals in withholding-only proceedings, *see* 8
11 U.S.C. § 1231(a)–(b).

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

13 46. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
14 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,
15 Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–
16 583,

17 a. 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken
18 Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

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

2 48. Thus, in the decades that followed, most people who entered without inspection—
3 unless they were subject to some other detention authority—received bond hearings.
4 That practice was consistent with many more decades of prior practice, in which
5 noncitizens who were not deemed “arriving” were entitled to a custody hearing
6 before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R.
7 Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
8 detention authority previously found at § 1252(a)).

9 49. Respondents’ new policy turns this well-established understanding on its head
10 and violates the statutory scheme.

11 50. Indeed, this legal theory that noncitizens who entered the United States without
12 admission or parole are ineligible for bond hearings was already rejected by a
13 District Court in the Western District of Washington, finding that such
14 individuals are entitled to bond redetermination hearings before immigration
15 judges, and rejecting the application of § 1225(b)(2) to such cases. *Rodriguez v.*
16 *Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *12 (W.D. Wash.
17 Apr. 24, 2025).

18 51. Despite this finding from a federal court, in July 2025, ICE released a
19 memorandum instructing its attorneys to coordinate with the Department of
20 Justice, the agency housing EOIR, to reject bond redetermination hearings for
21 applicants who arrived in the United States without documents.²

22 52. This is now a widespread position applying across the United States.

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24 ² Ice Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission, Available at <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>

1 53. This interpretation defies the INA. The plain text of the statutory provisions
2 demonstrates that if the TVPRA does not govern his detention, § 1226(a), not §
3 1225(b), applies to Mr. Jeronimo.

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

8 55. The text of § 1226 also explicitly applies to people charged as being inadmissible,
9 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E).
10 Subparagraph (E)’s reference to such people makes clear that, by default, such
11 people are afforded a bond hearing under subsection (a). Section 1226 therefore
12 leaves no doubt that it applies to people who face charges of being inadmissible to
13 the United States, including those who are present without admission or parole

14 56. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
15 recently entered the United States. The statute’s entire framework is premised on
16 inspections at the border of people who are “seeking admission” to the United
17 States. 8 U.S.C. § 1225(b)(2)(A).

18 57. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
19 people like Mr. Jeronimo who are alleged to have entered the United States without
20 admission or parole. Therefore, if this Court finds that Mr. Jeronimo’s detention is
21 not governed by the TVPRA, it should find that he is detained under § 1226(a), and
22 therefore entitled to a bond hearing.
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CLAIM FOR RELIEF

COUNT I

Violation of the TVPRA

Unlawful Re-Detention

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5 58. Mr. Jeronimo repeats, re-alleges, and incorporates by reference each and every allegation
6 in the preceding paragraphs as if fully set forth herein.

7 59. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Mr.
8 Jeronimo, as he arrived in the United States as an Unaccompanied Alien Child.
9 Under the Trafficking Victims Protection Reauthorization Act (TVPRA), detention
10 is not mandated. 8 U.S.C. § 1232(c)(2)(A)–(B). It provides that the government
11 must place individuals entitled to its protections “in the least restrictive setting that
12 is in the[ir] best interest.” *Id.*

13 60. Upon Mr. Jeronimo’s arrival in the United States, he was placed in ORR
14 custody at Casita del Valle Children’s Shelter, and later released to his aunt’s
15 custody in Georgia. This decision by ORR necessitated a finding that Mr.
16 Jeronimo was not a danger nor flight risk. *See Saravia v. Sessions*, 280 F.Supp.
17 3d 1168, 1176, 1178 (N.D. Cal. 2017). There is no evidence since his release
18 that demonstrates changed circumstances such that he is now a danger nor flight
19 risk.

20 61. The TVPRA continues to apply to individuals, like Mr. Jeronimo, who were
21 designated at UACs, yet turned 18 or have been reunited with their parents, and
22 the government may not re-detain these individuals without a pre-deprivation
23 hearing. *R.D.T.M. v. Wofford*, 2025 WL 268866 (ED Cal. Sept. 18, 2025). In
24

1 making custody redetermination decisions, the government must also consider
2 the “least restrictive setting” and make available alternatives to detention. 8
3 U.S.C. § 1232(c)(2)(A)–(B). Mr. Jeronimo has not been given a pre-deprivation
4 hearing, nor has he been placed in the least restrictive setting. Thus, he is
5 unlawfully detained in violation of the TVPRA and must be immediately
6 released from custody.

7 **COUNT II**

8 **Violation of 8 U.S.C. § 1226(a)**

9 ***Unlawful Denial of Bond Hearing***

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11 62. Mr. Jeronimo repeats, re-alleges, and incorporates by reference each and every allegation
12 in the preceding paragraphs as if fully set forth herein.

13 63. Even if Mr. Jeronimo’s detention is not governed by the TVPRA, § 1226(a) would
14 apply to Mr. Jeronimo, and he is thus not subject to mandatory detention and is
15 entitled to a bond hearing.

16 64. Courts have consistently held that § 1226, rather than § 1225, governs detention of
17 noncitizens already present inside the United States. *See generally Jennings v.*
18 *Rodriguez*, 583 U.S. 281 (2018); *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir.
19 2013).

20 65. In particular, § 1225(b)(2) does not apply to those who previously entered the
21 country, were released from detention after a finding was made that they were not a
22 flight risk or a danger, and have been present and residing in the United States prior
23 to re-apprehension. Such individuals may only be detained pursuant to § 1226(a),
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1 unless subject to an exception that is inapplicable to Mr. Jeronimo.

2 67. Mr. Jeronimo arrived in the United States and entered without inspection in 2022
3 when he was a minor. He has resided in the U.S. since. He was apprehended within the
4 interior of the United States in 2025. He is entitled to a bond hearing under § 1226(a).

5 **COUNT III**

6 *Violation of the Administrative Procedure Act*

7 *Unlawful Denial of Bond*

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

10 67. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to
11 noncitizens residing in the United States who are subject to the grounds of
12 inadmissibility because they originally entered the United States without
13 inspection or parole. Such noncitizens are detained under § 1226(a), unless they
14 are subject to another detention provision.

15 68. The application of § 1225(b)(2) to bar Mr. Jeronimo from receiving a bond
16 redetermination hearing before an immigration judge is arbitrary, capricious, and
17 not in accordance with law, and as such, it violates the APA. See 5 U.S.C. §
18 706(2).

19 **COUNT IV**

20 *Violation of Procedural Due Process*

21 69. Mr. Jeronimo repeats, re-alleges, and incorporates by reference each and every
22 allegation in the preceding paragraphs as if fully set forth herein.

23 70. The government may not deprive a person of life, liberty, or property without due process
24

1 of law. U.S. Const. amend. V. "Freedom from imprisonment— from government
2 custody, detention, or other forms of physical restraint-lies at the heart of the liberty
3 that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690,121 S.Ct. 2491, 150
4 L.Ed.2d 653 (2001).

5 71. Mr. Jeronimo has a fundamental interest in liberty and being free from official
6 restraint.

7 72. The government's detention of Mr. Jeronimo without a bond redetermination hearing to
8 determine whether he is a flight risk or danger to others violates his right to due
9 process.

10 **COUNT V**

11 *Violation of Substantive Due Process*

12
13 73. The allegations in the above paragraphs are realleged and incorporated herein.

14 74. The Due Process Clause of the Fifth Amendment forbids the government from depriving
15 any person of their liberty "without due process of law." U.S. CONST. AMEND. V.

16 75. The government has only two legitimate interests that may be served by civil
17 immigration detention: preventing flight from removal proceedings and protecting the
18 community from danger. The government necessarily determined that Mr. Jeronimo was
19 neither a flight risk nor danger when they released him from ORR custody in 2022. The
20 government has not provided evidence that circumstances have changed such that Mr.
21 Jeronimo is now a flight risk or danger.

22 76. Neither of those interests would be served by continuing to detain Mr. Jeronimo, as he
23 has no criminal history and has significant ties to the United States, including his US
24 Citizen partner and his unaccompanied minor sister.

1 77. Accordingly, Mr. Jeronimo’s continued detention violates his substantive due process
2 rights.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Mr. Jeronimo prays that this Court grant the following relief:

- 5 a. Assume jurisdiction over this matter;
- 6 b. Issue a writ of habeas corpus requiring that Respondents immediately release Mr.
7 Jeronimo, as the government has necessarily found him to not be a flight risk or
8 danger when they released him from custody in 2022, nor has the government
9 provided evidence that Mr. Jeronimo is now a flight risk or danger;
- 10 c. Declare that Mr. Jeronimo’s detention and DHS’s failure to consider alternatives
11 in line with the TVPRA’s mandate that he be placed in the least restrictive setting
12 is unlawful;
- 13 d. Alternatively, issue a writ of habeas corpus requiring Respondents to provide a
14 bond hearing under 8 U.S.C. § 1226(a) within seven days, at which time
15 Respondents must demonstrate that they have considered the least restrictive
16 setting available to Mr. Jeronimo, including alternatives to detention;
- 17 e. Award Mr. Jeronimo attorney’s fees and costs under the Equal Access to Justice
18 Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
19 law; and
- 20 f. Grant any other and further relief that this Court deems just and proper.

21
22 DATED this 30th day of January 2026

Respectfully Submitted,

23 /s/Megan Day
IMMIGRANT DEFENDERS
24 LAW CENTER

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