

supervisory official who exercises legal control, is the proper respondent.”).

4. The instant petition seeks a *writ of habeas corpus* compelling the immediate release of Mr. Arriaza-Ramirez from custody.

5. Specifically, it is averred that Mr. Arriaza-Ramirez is in custody in violation of the Constitution or laws or treaties of the United States as explained in more detail below.

Facts

6. Petitioner reincorporates all preceding paragraphs.

7. Mr. Arriaza-Ramirez entered the United States without inspection in or about 2017 and has resided continuously in the United States since that time.

8. On November 27, 2025, Respondent was arrested by agents of Immigration and Customs Enforcement inside of the United States.

9. This arrest did not occur at an international border.

10. Mr. Arriaza-Ramirez has been in the custody of the United States Government since November 27, 2025 and most recently has been transferred to the Moshannon Valley ICE Processing Center where he is currently detained.

11. Mr. Arriaza-Ramirez has no criminal history that would trigger mandatory detention under INA § 236(c), has not been charged as subject to expedited removal under INA § 235(b)(1) and is not being detained pursuant to a final order of removal under INA § 235(b)(1).

12. Mr. Arriaza-Ramirez has also had Temporary Protective Status (TPS) under the 2001 designation for most of his approximately 8 year presence in the United States of America.

13. Respondent has never been arrested for – let alone convicted of – any crime.

14. All of this notwithstanding, and despite a formal request for a Bond Hearing, the Immigration Court in New York, New York has not convened a bond hearing for Mr. Arriaza-

Ramirez and has made no determination whether Mr. Arriaza-Ramirez is a danger to the community or a flight risk.

15. As of the date of this filing, there is currently no hearing of any kind pending for Mr. Arriaza-Ramirez's case.

Count 1: Petition for *Writ of Habeas Corpus* (28 U.S.C. § 2241)

Violation of the INA; Violation of Procedural Due Process

16. Petitioner reincorporates all preceding paragraphs.

17. The Constitution guarantees the availability of the *writ of habeas corpus* "to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const. art I, § 9, cl. 2).

18. "At its historical core, the *writ of habeas corpus* has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001).

19. "The essence of *habeas corpus* is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the *writ* is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

20. It is believed and therefore averred that Mr. Arriaza-Ramirez is being detained solely because of his status as a non-citizen and pursuant to the aggressive immigration enforcement actions ushered in by the Administration of President Donald Trump.

21. It is further averred that the state of the law does not mandate petitioner's detention without a bond hearing.

22. Moreover, the refusal to even hold a bond hearing is an affront to Mr. Arriaza-Ramirez's right to Due Process under the United States Constitution.

23. The INA provides for immigration detention under various sections, depending on the procedural circumstances of each case.

24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. *See* 8 U.S.C. § 1229a.

25. Individuals in § 1226(a) detention are entitled to a bond hearing at which the immigration judge considers whether they are a danger to the community or a flight risk. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d).

26. Noncitizens in removal proceedings who have specific criminal histories are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

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

28. Finally, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

29. Mr. Arriaza-Ramirez falls into the first category: he is entitled to a bond hearing to determine whether he is a danger to the community or a flight risk.

30. As averred above, Mr. Arriaza-Ramirez has been in this country with TPS since 2007 and was detained in November of 2025 and as of the filing of this petition has been in the custody of the United States Government for more than two months.

31. The INA and applicable regulations notwithstanding (and despite his attorney requesting a bond hearing), no bond hearing has occurred and Mr. Arriaza-Ramirez is still in custody.

32. There is no basis in law or equity for Mr. Arriaza-Ramirez's continued confinement.

33. Violation of the INA notwithstanding, it is further submitted that the refusal to hold a bond hearing was denial of Mr. Arriaza-Ramirez's right to Due Process of Law.

34. The procedural aspect of the Due Process Clause mandates that individuals have a meaningful opportunity to contest significant deprivations of liberty or property. *See, e.g., Barshinger v. Buffington*, No. 03-cv-0506, 2004 U.S. Dist. LEXIS 28929 at *28-29 (M.D.Pa. June 10, 2004) (Connor, J.); *see also Cleveland Bd. of Educ. V. Loudermill*, 470 U.S. 532, 545 (1985) (“The essential requirements of due process[] . . . are notice and an opportunity to respond. The opportunity to present reasons, either in person or in writing, why proposed action should not be taken is a fundamental due process requirement.”); *Walker v. Sorber*, No. 21-cv-3477, 2024 U.S. Dist. LEXIS 175275 at *9 n.3 (E.D.Pa. September 26, 2024) (Hodge, J.) (“The essential requirements of a procedural due process claim are notice and opportunity to be heard.”).

35. To determine whether a civil detention violates a detainee's procedural due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

36. Pursuant to *Mathews*, courts weigh the following three factors: (1) “the private interest that will be affected by the official action”; (2) “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 (3) “the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S. at 335.

37. First, Petitioner unquestionably has a significant interest at stake.

38. Being free from physical detention by one's own government “is the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

39. Mr. Arriaza-Ramirez's continued detention, without any ability to articulate that he

is neither a flight risk nor a danger to the community, undermines his fundamental liberty interest in being free from restraint.

40. Second, there is a large risk of erroneous deprivation of Petitioner's liberty interest through the procedures used in this case, and there are available alternative procedures which would ameliorate those risks.

41. Indeed, it is not at all apparent what basis there is for denying Mr. Arriaza-Ramirez the opportunity to argue that release is appropriate.

42. This is especially so in light of the now-rejected decision in *Hurtado* discussed *infra* at note 2.

43. In other words, there really has been no mechanism used or procedure followed: to the contrary, the Government has simply decided that petitioner should be locked away.

44. Had Mr. Arriaza-Ramirez been granted a bond hearing, the evidence and proofs in his favor are strong and would have likely warranted bond.

45. There is absolutely no evidence that he is a threat to public safety.

46. Moreover, Mr. Arriaza-Ramirez has strong ties to the community including a job, a family life and documented residence in the same area for years.

47. He has been attending check-ins with USCIS and has been compliant in this regard.

48. Therefore, the risk of erroneous deprivation of Petitioner's liberty is high insofar as the deprivation of liberty appears to be both arbitrary and inflicted on the whim of a government official without any evidentiary support rather than on a reasoned, individualized, factual determination of whether Mr. Arriaza-Ramirez poses a danger to the community or is a risk of flight.

49. Finally, it is hard to imagine what burdens if any could possibly justify the course

of action being followed here.

50. Indeed, for years similarly situated individuals have been afforded bond hearings under these exact circumstances.

51. To counsel's knowledge, the United States has not proffered any sufficient reason that bond hearings are now so burdensome, impertinent or complicated that individuals such as petitioner should automatically be deprived of their precious right to liberty without the baseline of Due Process, *i.e.*, notice and the opportunity to be heard on the question.

52. In this country, liberty is the rule and detention is the exception: yet without so much as an explanation², the United States has held Mr. Arriaza-Ramirez in a cage and away from his life and family for over two months and has refused to even extend an opportunity to Mr. Arriaza-Ramirez to establish that bond is appropriate.

53. The effects of this action have been devastating to every aspect of petitioner's life and are causing irreparable damage.

² To the extent that Respondent is relying on the Board of Immigration Appeals' decision in *Matter of Hurtado*, 29 I&N. Dec. 216 (B.I.A. 2025) (holding that detainees like Mr. Arriaza-Ramirez are governed by Section 1225(b) and therefore not eligible for bond), the faulty reasoning of the *Hurtado* decision has been roundly rejected by Courts throughout the United States as well as this Court. *See, e.g., Centeno v. Lowe*, No. 25-cv-2518, 2026 U.S. Dist. LEXIS 6654 (M.D.Pa. January 13, 2026) (Munley, J.) (rejecting reasoning of *Hurtado* and immediately releasing petitioner from custody because he was unlawfully detained without opportunity for bond hearing); *Vadel v. Lowe*, No. 25-cv-2452, 2025 U.S. Dist. LEXIS 268386 (M.D.Pa. December 31, 2025) (Mehalchick, J.) (same).

54. The flagrant violation of Mr. Arriaza-Ramirez's rights must come to an end.

WHEREFORE, and for all of the foregoing reasons, the petitioner respectfully requests that this Court grant his petition, issue a *writ of habeas corpus*, and order his immediate release from custody insofar as he is being imprisoned in violation of the Laws and the Constitution of the United States of America.

Respectfully submitted,



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