



Court set aside recent policies implemented by Respondents that are contrary to the statutory right of non-citizens like Petitioner to seek release and bail through an exercise of the Respondents' discretion.

Petitioner is a citizen of Ecuador who entered the United States on December 26, 2022, at the El Paso, Texas Port of Entry. He was detained by the border police and then paroled. Petitioner was detained by ICE Enforcement and Removal Operations (ERO), on January 28, 2026, while reporting for a scheduled appointment with ICE ERO. This occurred despite the requirement under 8 U.S.C. § 1226(a) and its implementing regulations that immigration officials make an individualized custody determination. Moreover, Respondents have adopted policies enshrined in administrative decisions by the Board of Immigration Appeals ("BIA") that subject non-citizens like the Petitioner to mandatory detention in violation of Section 1226(a). Petitioner was identified and taken into custody. While his ICE detainee locator states that he is at Moshannon Valley as of February 5, 2026 (Exh. A) upon information and belief, and at the expressed words of Petitioner, Petitioner was not transferred to Moshannon Valley until on or about 11AM of February 5, 2026 after the present petition was filed with the Eastern District of Pennsylvania. As such, Petitioner was present within the jurisdiction of this court at the time of filing, at Philadelphia FDC.

### **JURISDICTION**

1. Petitioner incorporates the above paragraphs as if set forth herein.
2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

3. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

4. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

5. Petitioner incorporates the above paragraphs as if set forth herein.

6. Venue is proper because Petitioner is detained at FEDERAL DETENTION CENTER in Philadelphia, Pennsylvania, which is within the jurisdiction of this District.

### **REQUIREMENTS OF 28 U.S.C. § 2243**

7. Petitioner incorporates the above paragraphs as if set forth herein.

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most

important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

### **PARTIES**

10. Petitioner incorporates the above paragraphs as if set forth herein.

11. Petitioner is an inspected and paroled non-immigrant. Petitioner is currently detained at FEDERAL DETENTION CENTER in Philadelphia, PA. He is in the custody, and under the direct control, of Respondents and their agents.

12. Respondent **WARDEN OF FEDERAL DETENTION CENTER** is the Warden of FEDERAL DETENTION CENTER, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

13. Respondent **MICHAEL ROSE** is sued in his official capacity as the Acting Director of the Philadelphia Field Office of U.S. Immigration and Customs Enforcement. Respondent **ROSE** is a legal custodian of Petitioner and has authority to release him.

14. Respondent **KRISTI NOEM** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent **NOEM** is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement custody. Respondent **NOEM** is a legal custodian of Petitioner.

15. Respondent **PAMELA BONDI** is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In

that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent **BONDI** is a legal custodian of Petitioner.

### **LEGAL FRAMEWORK**

16. Petitioner incorporates the above paragraphs as if set forth herein.

17. 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 non-citizen] who is an applicant from 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.” “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)).

18. In contrast, the Supreme Court has found that “U.S. immigration law authorizes the Government to detain certain [non-citizens] already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Jennings*, 583 U.S. at 288-89.

19. Section 236 of the INA 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 ...

20. 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). The regulation implementing Respondents’ authority to arrest non-citizens present in the United States reads:

*“Any officer authorized to issue a warrant of arrest may, in the officer’s discretion, release an alien not described in [8 U.S.C. § 1236(c)(1)] of the Act, under the conditions at section [8 U.S.C. § 1236(a)(2) and (3)]; provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.”*

8 U.S.C. § 1236.1(c)(8).

21. 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 [non-citizen] or the [government].” 8 C.F.R. § 1003.19(d); see also *Matter of Guerra*, 24 I&N Dec. 37, 39 (BIA 2006). Non-citizens 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”).

22. 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 non-citizens residing in the interior of the United States are not entitled to a custody redetermination (a “bond hearing”) before an Immigration Judge.

23. First, in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA held that a non-citizen who had been apprehended at 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.

24. 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), regardless of how long they have been residing in the U.S. and absent any prior interaction with immigration authorities.

#### **STATEMENT OF FACTS**

25. Petitioner incorporates the above paragraphs as if set forth herein.

26. Petitioner is a citizen of Ecuador.

27. On December 25, 2022, Petitioner entered the United States near the El Paso Port of Entry in Texas. He has completed and filed his I-589 Application for Asylum. Additionally, he has a valid Employment Authorization Document.

28. Petitioner was issued a Notice to Appear, charging him as removable from the United States pursuant to 8 U.S.C. § 212 (a) (6) (A) (i) (“A [non-citizen] present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible”). He has a Master’s Hearing scheduled on February 17, 2026 at the Elizabeth, New Jersey court. See the EOIR Automated Case Information page attached as Exhibit “B”.

29. Respondent actions were arbitrary and capricious, respondent is not subject to mandatory detention under the Immigration and Nationality act.

## **CLAIMS FOR RELIEF**

### **COUNT ONE VIOLATION OF DUE PROCESS, U.S. CONST. AMEND. V**

30. Petitioner incorporates the above paragraphs as if set forth herein.

31. 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.

32. 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 the fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim.

33. 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).

34. First, Petitioner 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 Petitioner of his liberty without any individualized assessment of his circumstances. Third, Respondents did not make any individualized finding that Petitioner was a danger or flight risk, so there does not appear to be a significant government interest in detaining Petitioner.

35. An application of these factors requires that Petitioner should have been provided with additional process before being detained.

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

36. Petitioner incorporates the above paragraphs as if set forth herein.

37. 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 after being briefly detained at or near the border. Such noncitizens, if detained, are done so under § 1226(a), and are generally eligible release on bond.

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

39. Respondents have detained Petitioner 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.

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

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

41. Petitioner incorporates the above paragraphs as if set forth herein.

42. 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 [Non-citizens]," 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.

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

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

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

45. Petitioner incorporates the above paragraphs as if set forth herein.

46. Petitioner is aggrieved by agency action under the Administrative Procedure Act, 5 U.S.C. §§ 701 et. seq. Specifically, Respondents have acted arbitrarily in detaining Petitioner without conducting an individualized determination into his circumstances. In other words, Respondents have not presented any indication that Petitioner's circumstances have changed such that he is now a danger or flight risk in a way that he was not when he was released on parole at the border in November of 2022.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, and the Immigration and Nationality Act;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

s/Albert I. Robles  
Albert I. Robles  
326692  
1515 Market St.  
Suite 1200  
Philadelphia, PA 19102  
774-285-0412  
al@robleslaw.net  
Attorney for Petitioner

Dated: February, 5 2026

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, YOFFRE EDUARDO PANORA, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this fifth day of February, 2026.

s/Albert I. Robles  
Albert I. Robles  
326692  
1515 Market St.  
Suite 1200  
Philadelphia, PA 19102  
774-285-0412  
al@robleslaw.net  
Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia, PA

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.

/s/Albert I. Robles

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

YOFFRE EDUARDO PANORA

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Albert I. Robles - 518 S. 3rd Street, 774-285-0412

DEFENDANTS

Warden of FDC Philadelphia, Michael Rose, et. Al

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)

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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, etc.

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): S. CONST. AMEND. V, 8 U.S.C. § 1226(a). Brief description of cause: Habeas Petition against the U.S. Government for wrongful detention of petitioner.

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 2/5/2026 SIGNATURE OF ATTORNEY OF RECORD /s/Albert I. Robles

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## YOFFRE EDUARDO PANORA-CHIRIBOGA

Country of Birth : Ecuador

A-Number: 

Status : In ICE Custody

State: PA

Current Detention Facility: [MOSHANNON VALLEY ICE PROCESSING CENTER](#)

*\* Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

# Automated C

**Name: PANORA-CHIRIBOGA, YOFFRE EDUARD**

## Next Hearing Information

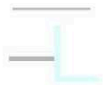
Your upcoming **MASTER** hearing is on **February 17, 2026** at **1:30 PM**.

**JUDGE**

Panopoulos, Adam

**COURT ADDRESS**

625 EVANS STREET ROOM 148A  
ELIZABETH, NJ 07201



# Case Information

0 | A-Number:  | Docket Date: 1/29/2026

## Court Decision and Motion Information

*This case is pending.*