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**IN THE UNITED STATE OF DISTRICT COURT  
WESTERN DISTRICT OF OKLHOMA**

**JUAN ANTONIO SAUCEDA CASTANEDA,** )  
 )  
 **Petitioner,** )  
 )  
 v. )  
 )  
 **KRISTI NOEM, Secretary of Homeland Security** )  
 **PAMELA BONDI, U.S. Attorney General,** )  
 **JOSHUA JOHNSON, Field Office Director for** )  
 **Detention and Removal, U.S. Immigration and** )  
 **Customs Enforcement, Department of Homeland** )  
 **Security and SCARLET GRANT, Warden,** )  
 **Cimarron Correctional Facility,** )  
 )  
 **Respondents.** )

Case No. CIV-25-

Agency No: 

**PETITION FOR HABEAS  
CORPUS**

Expedited hearing requested

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

Petitioner seeks a writ of habeas corpus as follows.

**JURISDICTION AND VENUE**

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
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. In addition "a federal court always has jurisdiction to determine its own jurisdiction," including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218-19 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).

5. Unless the assertion of jurisdiction is frivolous, the court has the power to preserve existing conditions while it determines its own authority to grant injunctive relief. See *United States v. United Mine Workers of America*, 330 U.S. 258, 293 (1947).

6. Such an order is valid unless and until overturned, even when the issuing court lacks subject-matter jurisdiction to determine the underlying action's merits. *Id.* at 293-94.

7. 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., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

8. Venue is proper because petitioners are in Respondents' constructive custody in Cushing, Oklahoma and because a substantial part of the events giving rise to their claims occurred in this district. 28 U.S.C. § 1391(e).

#### **THE PETITIONER**

9. Petitioner is a resident of the state of Oklahoma, and present in the state of Oklahoma as of the time of filing this petition.

#### **CUSTODY**

10. Under 28 U.S.C. § 2241(c), only persons "in custody" may apply for a writ of habeas corpus. "Custody includes either physical custody or constructive custody, where the person is under a restraint on liberty not shared by the public generally.<sup>1</sup> For example, this includes persons subject to a final order

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<sup>1</sup>*Jones v. Cunningham*, 371 U.S. 236, 240, 83 S. Ct. 373, 9 L. Ed. 2D 285 (1963) ("[B]esides physical imprisonment, there are other restraints on a man's liberty, restraints not shared by the public

of deportation. *Nakaranurack v. United States*, 68 F.3d 290, 293 (9th Cir. 1995).

11. Petitioner is “in custody” of the respondents because: on October 29, 2025, Petitioner was apprehended by Immigration and Customs and Enforcement (ICE) in Norman, Oklahoma, hundreds of miles from any international border or port of entry without a warrant or a probable cause to stop the Petitioner. Subsequently, The Department of Homeland (DHS) initiated removal proceedings and detained Petitioner at Cimarron Correctional Facility, 3200 S. King Hwy, Cushing, Oklahoma 74023.

### THE RESPONDENTS

12. Respondent JOSHUA JOHNSON is the Field Office Director for the Dallas Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Dallas Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. JOSHUA JOHNSON is sued in his official capacity.

13. The Dallas Field Office’s area of responsibility includes Oklahoma, and Texas. Consequently, respondent JOSHUA JOHNSON is the immediate legal custodian of petitioner.

14. Respondent KRISTI NOEM is the Secretary of Homeland Security. As such she is responsible for the actions of that department, its subagencies, and its officers and personnel. KRISTI NOEM is sued in her official capacity.

15. Respondent PAMELA BONDI is the Attorney General of the United States, and as such has responsibility for the conduct and operations of the Department of Justice and all of its officers and personnel, including the Executive Office for Immigration Review. PAMELA BONDI is sued in her official capacity.

16. Respondent SCARLET GRANT is the Warden of Cimarron Correctional Facility where the

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generally, which have been thought sufficient in the English-speaking world to support the issuance of habeas corpus.”).

Petitioner is detained, and as such is responsible for the means by which the immigration laws of the United States are enforced. SCARLET GRANT is sued in her official capacity.

17. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is an agency of the United States with responsibility for the enforcement of the nation's immigration laws. It is under the direction of respondent KRISTI NOEM.

18. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY, and is under the direction of respondent JOSHUA JOHNSON.

19. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the United States, and is under the direction of respondent PAMELA BONDI.

20. Respondent DEPARTMENT OF JUSTICE maintains an adjudicatory body for immigration cases called the Executive Office for Immigration Review ("EOIR"). Part of EOIR includes the Office of the Immigration Judge, which is generally known as the Immigration Court.

**HABEAS CORPUS REQUIREMENTS UNDER 28 U.S.C. § 2243**

21. Pursuant to 28 U.S.C. § 2243, a court entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

22. The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

23. The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than 48 hours after the return unless for good cause additional time is allowed.

24. Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained. The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

25. The return and all suggestions made against it may be amended, by leave of court, before or after being filed. The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

26. The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

27. Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.

28. The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

29. The return and all suggestions made against it may be amended, by leave of court, before or after being filed. The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

#### **LEGAL REQUIREMENTS FOR STOPS AND ARRESTS**

30. The Fourth Amendment protects “[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures.” U.S. Const. amend. IV.

31. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 425 (1979).

32. “Except at the border and its functional equivalents,” immigration agents may stop individuals in public only after identifying “specific articulable facts, together with rational inferences from those

facts, that reasonably warrant suspicion” of a violation of immigration law. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).

33. Reasonable suspicion for an immigration stop cannot be based “on broad profiles which cast suspicion on entire categories of people without any individualized suspicion of the particular person to be stopped.” *United States v. Rodriguez Sanchez*, 23 F.3d 1488, 1492 (9th Cir. 1994). Rather, reasonable suspicion must be “particularized and objective,” *United States v. Arvizu*, 534 U.S. 266, 273 (2002), meaning the officer has reasonable suspicion as to “the particular person being stopped.” *United States v. Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000) (en banc).

34. Immigration officers may arrest an individual without a warrant in limited circumstances. See *Arizona v. United States*, 567 U.S. 387, 407–08 (2012) (noting strong Congressional preference, as expressed in INA, for immigration arrests to be based on warrants).

35. The INA permits warrantless arrest if an immigration officer has reason to believe that a noncitizen (1) is in the United States in violation of the immigration laws and (2) “is likely to escape before a warrant can be obtained for his arrest”. 8 U.S.C. § 1357(a)(2); accord 8 C.F.R. § 287.8(c)(2)(i)-(ii). An officer “has reason to believe” when they have the equivalent of “the constitutional requirement of probable cause.” *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980).

36. The Fifth Amendment right to remain silent may be properly invoked during a civil immigration arrest. See *Kastigar v. United States*, 406 U.S. 441, 444-45 (1972) (The privilege against self-incrimination “can be asserted in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory . . . This Court has been zealous to safeguard the values which underlie the privilege.”).

37. An immigration officer may not establish probable cause on the basis of a noncitizen’s silence pursuant to his Fifth Amendment rights. See *Hurd v. Terhune*, 619 F.3d 1080, 1088 (9th Cir. 2010) (affirming “the fundamental principle that a suspect’s silence in the face of questioning cannot be used

as evidence against him at trial”).

38. If an immigration officer makes a warrantless arrest, at the time of an arrest and “as soon as it is practical and safe to do so,” immigration officers must identify themselves as immigration officers authorized to make arrests, inform the person arrested that they are under arrest, and state the reason for the arrest. 8 C.F.R. § 287.8(c)(2)(iii).

39. The noncitizen must then “be taken without unnecessary delay for examination before an officer of the Service having authority to examine noncitizens as to their right to enter or remain in the United States.” 8 U.S.C. § 1357(a)(2).

40. Within 48 hours of an immigration arrest (or within a reasonable time in the case of emergency or extraordinary circumstances), an immigration official must make an initial custody determination to decide whether the noncitizen should remain in custody or be released. 8 U.S.C. § 1226(a); 8 C.F.R. § 287.3(d). These procedures are essential to protect the arrested person’s Fourth and Fifth Amendment rights.

### **FACTUAL ALLEGATIONS**

41. On January 20, 2025, the president of the United States issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (EO) setting out a series of interior immigration enforcement actions. The present administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation.

42. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

43. In late May 2025, respondent KRISTI NOEM and White House Deputy Chief of Staff Stephen Miller met with ICE leadership and set a arrest quota of 3,000 per day and reportedly threatening job

consequences if officials failed to meet arrest quotas.<sup>2</sup>

44. On May 28, 2025 Deputy Chief of Staff Miller confirmed that “under President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day.”<sup>3</sup>

45. Following the directive from Noem and Miller, ICE agents were instructed in an email to “turn the creativity knob up to 11” and aggressively “push the envelope” in arrests, including by pursuing “collaterals.” One email is reported to have said: “If it involves handcuffs on wrists, it’s probably worth pursuing.”<sup>4</sup>

#### CIRCUMSTANCES OF PETITIONER'S CASE

46. On October 29, 2025, the Petitioner, a holder of a valid Oklahoma driver’s license, was intercepted in Norman, Oklahoma, by four to five masked individuals. These individuals subsequently identified themselves as ICE agents. After inspecting the Petitioner’s license, the agents demanded proof of permanent residency. When the Petitioner stated he did not possess one, he was detained and placed into removal proceedings.

47. The Petitioner appeared before Immigration Judge (“IJ”) in Cushing, Oklahoma, Immigration Court for a Custody Redetermination Hearing pursuant to 8 C.F.R. §1003.19. The IJ denied the request for bond, citing a “lack of jurisdiction.” The IJ reasoned that under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Petitioner is classified as an “applicant for admission” under 8 U.S.C. § 1225, rendering him subject to mandatory detention without the possibility of bond. The Petitioner has remained

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<sup>2</sup>Julia Ainsley, et al., A sweeping new ICE operation shows how Trump’s focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), <https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494> (last visited Nov 26, 2025); Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at <https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller> (last visited Nov. 26. 2025).

<sup>3</sup>Hannity, Sean, “Stephen Miller says the admin wants to create the strongest immigration system in US History”, FOX NEWS (May 28, 2025), <https://www.foxnews.com/video/6373591405112> (last visited Nov. 26, 2025).

<sup>4</sup>Olivares, José , “US immigration officers ordered to arrest more people even without warrants,” The Guardian (Jun 4, 2025) <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>

in custody for 98 days without a meaningful hearing to determine if his detention is justified by flight risk or danger to the community.

48. The Petitioner requested another bond hearing before Immigration Court since the U.S. District Court for the Central District of California certified a nationwide class in *Maldonado Bustista v. Santacruz*, No. 5:25-cv-01873. The Petitioner's detention is currently governed by the legal standard articulated in *Maldonado Bautista v. Santacruz* (C.D. Cal. 2025). In that decision, this Court clarified that the mandatory detention provisions of § 1225(b) (and the jurisdictional bar of *Matter of Hurtado*) do not apply to noncitizens who have entered the United States and established significant ties.

49. The Immigration Judge's refusal to apply the *Maldonado Bautista* holding to the Petitioner constitutes a violation of the **Separation of Powers**. An administrative agency (the Executive Branch/EOIR) cannot ignore the constitutional and statutory interpretations of the Federal District Court (the Judicial Branch) within its own jurisdiction.

50. As in *Maldonado Bautista*, the lack of a constitutionally sufficient bond hearing results in a deprivation of liberty. However, in the instant case, the harm is compounded by the Petitioner's status as a dual-transplant recipient. Every day the IJ ignores the *Maldonado Bautista* mandate is a day the Petitioner moves closer to potential organ rejection.

51. On February 4, 2026, the Petitioner appeared before Immigration Judge ("IJ") in Cushing, Oklahoma, Immigration Court for a Custody Redetermination Hearing pursuant to 8 C.F.R. §1003.19. The IJ denied the request for bond, citing a "lack of jurisdiction." The IJ reasoned that under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Petitioner is classified as an "applicant for admission" under 8 U.S.C. § 1225, rendering him subject to mandatory detention without the possibility of bond. The Petitioner has remained in custody for 98 days without a meaningful hearing to determine if his detention is justified by flight risk or danger to the community.

**STATEMENT OF FACTS**

**52. Identity and Immigration History:** Petitioner is a native and citizen of Mexico who has resided continuously in the United States for over twenty years, having re-entered the United States in 2005. Prior to this, Petitioner complied with a voluntary departure order in 2004.

**53. Family Ties and Community Equities:** Petitioner is the primary support system for his two United States Citizen children: one adult and one minor. Petitioner's deep roots in the community and stable family residence underscore his significant ties to this jurisdiction.

**54. Pending Relief from Removal:** Petitioner has a non-frivolous application for Cancellation of Removal for Certain Nonpermanent Residents (Form EOIR-42B) currently pending before the Immigration Court. His individual merits hearing is scheduled for **March 26, 2026, at 2:30 p.m.** Petitioner intends to appear and vigorously pursue his right to remain in the United States with his family.

**55. Medical Condition and Critical Care:** Three years ago, Petitioner underwent a life-saving dual-organ transplant surgery. His survival is contingent upon a strict regimen of immunosuppressant medications and frequent monitoring by transplant specialists to prevent organ rejection.

**56. Impact of Detention on Health:** Since being taken into ICE custody, Petitioner's health has been placed in grave jeopardy. Due to the constraints of detention at [Name of Facility], Petitioner has already missed essential appointments with his transplant team. The facility is unequipped to provide the highly specialized care required for a dual-transplant recipient, rendering his continued detention a risk to his life.

**57. The Bond Proceedings:** On February 4, 2026, Petitioner appeared before an Immigration Judge ("IJ") for a custody redetermination.

- a) **IJ Findings:** The IJ explicitly found that Petitioner **has no criminal record, poses no risk to national security, and is not a flight risk.**

b) **Jurisdictional Ruling:** Despite these findings, the IJ initially determined that, pursuant to *Matter of Hurtado*, 21 I&N Dec. 508 (BIA 1996), the court lacked jurisdiction to grant bond.

c) **Alternative Ruling:** In the alternative, the IJ set a monetary bond in the amount of **\$25,000.**

58. **Constructive Denial of Liberty:** The \$25,000 bond amount is untethered to Petitioner's financial circumstances and the IJ's own finding that Petitioner is not a flight risk. Given Petitioner's inability to pay, this amount serves as the functional equivalent of a "no-bond" order, resulting in his continued detention despite a lack of any traditional justification for such a restraint on liberty.

**FIRST CLAIM FOR RELIEF**  
**Seizure with no probable cause**

59. Except at the border and its functional equivalents, the Fourth Amendment prohibits respondents from stopping a person without reasonable suspicion to question as to whether he or she is unlawfully in the United States. The Fourth Amendment bars respondents from making an arrest without probable cause to believe that a person is a noncitizen unlawfully in the United States.

60. "A person's mere propinquity to others independently suspected of [unlawful] activity does not, without more, give rise to probable cause to search [or seize] that person." *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019) (quotation omitted). "'Reasonable suspicion' is no different." *Id.*

61. Respondents' stop of Petitioner without reasonable suspicion, and arrest of without probable cause, violates the Fourth Amendment to the U.S. Constitution.

**SECOND CLAIM FOR RELIEF**  
**Seizure based solely on race**

62. Race or apparent ethnicity, standing alone, cannot form the basis for reasonable suspicion. *United States v. Brignoni-Ponce*, 422 U.S. 873, 886-87 (1975). Because probable cause is a higher standard than reasonable suspicion, race or apparent ethnicity, standing alone, is also necessarily

insufficient to form the basis for probable cause.

63. Respondents had no basis to detain Petitioner and inquire about his immigration status other than his race and apparent ethnicity. Likewise, Respondents had no basis to arrest Petitioner other than his race and apparent ethnicity. This was violation of the Fourth Amendment.

**THIRD CLAIM FOR RELIEF**  
**Violation of Eighth Amendment and Fifth Amendment Right to Due Process**

64. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

65. Due process requires that government action be rational and non-arbitrary. See *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). Due process also requires notice and “the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

66. Here, Petitioner has been stopped, arrested, and detained in an arbitrary manner, without any notice of the basis for his arrest and continued detention, and not based on a rational and individualized determination of whether he should be detained based on individual facts and circumstances pertaining to whether he was a flight risk or danger to the community.

67. Respondents’ stop, arrest, and continued detention of petitioner are violations of his due process rights under the Fifth Amendment to the U.S. Constitution.

68. Here, the Immigration Judge (IJ) made a factual finding that Petitioner has **no criminal record, is not a danger to national security, and poses no risk of flight**. Once these findings were made, the government’s interest in detaining Petitioner was effectively extinguished.

69. The IJ's reliance on *Matter of Hurtado* to deny jurisdiction—or in the alternative, the imposition of a \$25,000 bond—results in a detention that is punitive rather than regulatory. Because Petitioner is indigent and cannot afford the \$25,000 sum, the bond acts as a "de facto" detention order. Detaining a non-dangerous, non-flight-risk individual simply because they cannot afford a high monetary sum violates the core tenets of Due Process.

70. "When the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being." *DeShaney v. Winnebago Cty. Dept. of Soc. Servs.*, 489 U.S. 189, 199-200 (1989).

71. Petitioner is a dual-transplant recipient. His medical needs are complex, specialized, and time-sensitive. The government's failure to ensure he can attend necessary specialist appointments constitutes "deliberate indifference" to a serious medical need.

72. By setting an unattainable bond of \$25,000, the government is effectively keeping a medically fragile individual in a facility that cannot provide the level of care mandated by his condition. This creates an unconstitutional risk of "irreparable harm"—specifically, the rejection of his transplanted organs and potential death—while he awaits his individual hearing on March 26, 2026.

73. While the IJ cited *Matter of Hurtado* to claim a lack of jurisdiction, this Court maintains habeas jurisdiction under 28 U.S.C. § 2241 to review constitutional claims and pure questions of law. The Petitioner's 20-year history in the United States and his pending 42B application create a protected liberty interest that cannot be summarily ignored by a misapplication of BIA precedent.

**FOURTH CLAIM FOR RELIEF**  
**STATUTORY MISCLASSIFICATION**  
**The Immigration Court Erred in Denying Jurisdiction as**  
**Petitioner is Detained Under 8 U.S.C. § 1226(a), Not § 1225.**

74. Under the INA, noncitizens arrested in the interior of the United States are generally detained under 8 U.S.C. § 1226(a), which provides for individualized bond hearings. Conversely, 8

U.S.C. § 1225(b) is a mandatory detention provision intended for "applicants for admission" apprehended at or near a port of entry.

75. Petitioner has resided in the U.S. since 2005. He was not apprehended at the border; he was arrested in the interior after twenty years of continuous residence. As a long-term resident, his detention is governed by § 1226(a).

76. The Immigration Judge (IJ) incorrectly applied the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which claims that all individuals who entered without inspection (EWI) are subject to mandatory detention under § 1225(b)(2)(A).

77. This Court has resoundingly rejected the government's interpretation of *Hurtado*. In *Maldonado Bautista v. Santacruz* (C.D. Cal. 2025), this court (and others in this District) held that the government cannot "reclassify" interior-apprehended noncitizens as "applicants for admission" to strip them of bond eligibility.

78. By denying jurisdiction, the IJ has committed a legal error that results in the Petitioner's unlawful and indefinite detention. This Court's rulings in *Suarez Hernandez* (5:25-cv-1537) and *Cervantes Carrera* (5:25-cv-1536) make clear that the IJ must exercise jurisdiction under § 1226(a).

79. The BIA's decision in *Matter of Yajure Hurtado* incorrectly attempts to expand the definition of "arriving aliens" to include individuals like Petitioner who have lived in the interior of the U.S. for nearly two decades. However, the statutory scheme of the Immigration and Nationality Act (INA) creates a clear distinction: 8 U.S.C. § 1225 governs those at the threshold of entry, while 8 U.S.C. § 1226 governs the apprehension and detention of aliens already present within the United States.

80. Wherefore petitioner prays for relief as follows in that this court:

- a) Assume jurisdiction in this matter;
- b) Issue an immediate order barring the respondents from removing petitioner from the state

of Oklahoma, or, if Petitioner is in the state of Texas, from the state of Texas, without notice to the court and approval by the court;

- c) Issue an order to show cause why this petition should not be granted within three (3) days.
- d) Declare that Petitioner's stop and arrest without reasonable suspicion, and Petitioner's continued detention, violates applicable regulations, the APA, the INA, and the Fourth and Fifth Amendments to the Constitution of the United States.
- e) Issue a writ of habeas corpus ordering respondents to release Petitioner from custody.
- f) Because the law of this District, as established in *Medina-Herrera v. Noem*, Case No. 5:25-cv-01203 (W.D. Okla. Dec. 2, 2025), *Cervantes Carrera v. Noem*, Case No. 5:25-cv-1536, and *Suarez Hernandez v. Noem*, Case No. 5:25-cv-1537 clearly holds that the Immigration Court maintains jurisdiction under 8 U.S.C. § 1226(a) for interior apprehensions, the Petitioner's continued detention without a hearing is unlawful.
- g) Grant any further relief as the court may deem just and proper.

Dated this 5 day of Feb 2026

Respectfully submitted,



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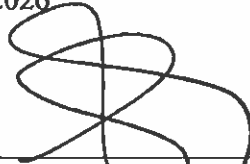
**VERIFICATION**

STATE OF OKLAHOMA        )  
  )  
COUNTY OF OKLAHOMA    )        **SS:**

I, Myong O. Chung, declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that:

1. I am the attorney of the Petitioner and am authorized to make this verification on his behalf because he is currently in ICE custody.
2. I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof.
3. The facts alleged therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 5<sup>th</sup> day of February, 2026



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Attorney for Petitioner  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of February, 2026, I caused a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus** to be served via Certified Mail upon the following parties:

**1. United States Attorney's Office:** Western District of Oklahoma Civil Process Clerk 210 W. Park Ave., Suite 400 Oklahoma City, OK 73102.

**2. Office of the Attorney General:** U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001.

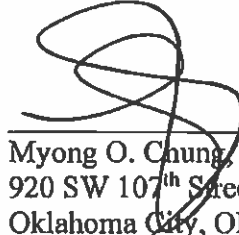
**3. Department of Homeland Security:** Office of the Chief Counsel, ICE 125 E. John Carpenter Freeway, Suite 500, Irving, TX 75062.

**4. Scarlet Grant Warden:** Cimarron Correctional Facility, 3200 S. King Hwy, Cushing, OK 74023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 2/5/2026

Respectfully submitted,



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