

Caridad Acosta, Esq
Legal Alliances PLLC
2600 Michigan Ave Unit # 452145
Kissimmee, Florida 34745
407-879-4284
Caridadacostaattorney@gmail.com
Attorney for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

MIGUEL ANGEL AGUIRRE RODRIGUEZ,)

Petitioner,)

v.)

KRISTI NOEM, in her official capacity as)
Secretary of the Department of Homeland)
Security; **PAMELA BONDI**, in her official)
capacity as Attorney General of the United)
States; **TODD LYONS**, in his official)
capacity as Acting Director and Senior)
Official Performing the Duties of the)
Director of U.S. Immigration and Customs)
Enforcement; **GARRETT RIPA**, in his)
official capacity as Field Office Director of the)
Miami Field Office of U.S. Immigration)
and Customs Enforcement, Enforcement and)
Removal Operations; **E.K. CARLTON**,)
in his official capacity as Warden of the)
of the Miami Federal Detention Center,)

Respondents.)

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Miguel Angel Aguirre Rodriguez is in custody without the opportunity to seek a bond hearing despite a federal court order that has found that individuals like Petitioner are not subject to mandatory detention. Despite this, and despite hundreds of cases nationwide finding the government's statutory reading unlawful, the government continues to find ways to circumvent the law. This has left Petitioner no option but to seek intervention from this court in order to secure a right-namely bond hearing, that is firmly in the law.
2. The need for court intervention is based not just on the misapplication of law, but also on the doubling down by the government in the face of a nationwide class certification and nationwide litigation that has rejected the government's position. Put another way, Petitioner's unlawful detention has no way to be remedied absent habeas relief.
3. Petitioner brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of Respondents and is detained at the Miami Federal Detention Center in Miami, Florida. He now faces unlawful detention because the Department of Homeland Security ("DHS") and the Executive Office for Immigration Review ("EOIR") have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.
4. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs, and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at 11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----,

2025 WL 3288403, at 9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class and extending declaratory judgment from the Order Granting Petitioners' Motion for Partial Summary Judgment).

5. The declaratory judgment held that Bond Denial Class members, including Petitioner, are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at 11.
6. Similarly, the analysis and holding by the BIA in *Matter of Yajure Hurtado* has also consistently been rejected by district courts across the country over the last several months. *See, e.g., Jose J.O.E.*, 2025 WL 2466670; *Maldonado*, 2025 WL 2374411; *Ferrera Bejarano v. Bondi*, 25-cv-03236 (D. Minn. Aug 18, 2025); *Aguilar Vazquez v. Bondi*, 25-cv-03162 (D. Minn. Aug 19, 2025); *Tiburcio Garcia v. Bondi*, 25-CV-03219 (D. Minn. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, No. 8:25CV506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025) ; *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566 (D. Neb. Sept. 3, 2025); *Jacinto v. Trump*, No. 4:25CV3161, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Garcia Jimenez v. Kramer*, No. 4:25CV3162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Anicasio v. Kramer*, No. 4:25CV3158, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Arce v. Trump*, No. 8:25CV520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Campos Leon v. Forestal*, No. 1:25-CV-01774 (S.D. Ind. Sept. 22, 2025); *Alejandro v. Olson*, 1:25-cv-02027 (S.D. Ind. Oct. 11, 2025); *B.D.V.S. v. Forestal*, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); *Ochoa Ochoa v. Noem*, 1:25-cv-10865 (N.D. Ill. Oct. 16, 2025); *Mariano Miguel v. Noem*, 1:25-cv-11137 (N.D. Ill. Oct. 21, 2025); *Patel v. Noem*, 1:25-cv-11180 (N.D. Ill. Oct. 24, 2025); *Magallanes Sanchez v. Olson*, Case No. 25-cv-13226 (N.D. Ill. Nov. 3, 2025); *Sanchez Guzman v. Noem*, 1:25-cv-13415 (N.D. Ill. Nov. 6, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Doe v. Moniz*, No. 1:25-CV-12094-IT, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Romero*, 2025 WL 2403827;

Martinez, 2025 WL 2084238; *dos Santos v. Noem*, No. 1:25-CV-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Choglio Chafra v. Scott*, 2025 WL 2688541 (D. Me. Sept. 21, 2025); *Chiliqinga Yumbillo v. Stamper*, No. 2:25-CV-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Lopez Benitez*, 2025 WL 2371588; *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Sanchez Ballestros v. Noem*, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025); *Sanchez Alvarez v. Noem*, 1:25-cv-1090 (W.D. Mich. Oct. 17, 2025); *Rodriguez Carmona v. Noem*, 1:25-cv-1131 (W.D. Mich. Oct. 24, 2025); *Cervantes Rodriguez v. Noem*, 1:25-cv-1196 (W.D. Mich. Oct. 29, 2025); *Marin Garcia v. Noem*, 1:25-cv-1271 (W.D. Mich. Oct. 29, 2025); *Ramirez v. Noem*, 1:25-cv-1261 (W.D. Mich. Oct. 31, 2025); *Ruiz Mejia v. Noem*, 1:25-cv-1227 (W.D. Mich. Oct. 31, 2025); *Salgado Mendoza v. Noem*, 1:25-cv-1252 (W.D. Mich. Nov. 4, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Cuevas Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO (HC), 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Caicedo Hinestroza v. Kaiser*, No. 25-CV-07559-JD, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-CV 01789-ODW (DFMX), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Lepe v. Andrews*, No. 1:25-CV-01163-

KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Jabara Oliveros v. Kaiser*, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Castellanos v. Kaiser*, No. 25-CV-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Leon Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); *Rosado*, 2025 WL 2337099; *Alvarez Martinez v. Noem, et al.*, 5:25-CV-01007-JKP (W.D. TX Sept. 8, 2025) (finding section 1225 does not apply); *see also* Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (explaining that “[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”). *See, e.g., Hernandez-Cuevas v. Olson, et al.*, 4:25-cv-00830-BP; *Gallardo Ifante v. Noem, et al.*, 6:25-cv-03322-MDH; *Morales Rodriguez v. Arnott, et al*, Case Number: 6:25-cv-00836-MDH; *Pozos Ramirez v. Noem, et al.*, Case Number: 6:25-cv-03316-MDH; *Mairena-Munguia v. Arnott, et al.*, Case Number: 6:25-cv-03318-MDH; *Eshdavlatov v. Olson, et al.*, Case Number: 6:25-cv-00844-MDH; *Medina Andres v. Noem et al*, Case 6:25-cv-03321-MDH, *Martinez v. Trump et al*, Case Number, Case Number 6:25-cv-03335-SRB, *Vargas v. Holt, et al*, 6:25-cv-03317-MDH.

7. Nonetheless, the Executive Office for Immigration Review and its sub-agency, the Immigration Court, along with the Department of Homeland Security (“DHS”), have blatantly refused to abide by the declaratory relief and have unlawfully denied Petitioner the opportunity to be released on bond despite his clear eligibility under § 1226(a) and his inclusion within the certified Bond Denial Class.
8. Petitioner MIGUEL ANGEL AGUIRRE RODRIGUEZ is a member of the Bond Eligible Class, as he:
 - a. Does not have lawful status in the United States and is currently detained at Miami Federal Detention Center, Miami, Florida. He was apprehended by immigration authorities on October 13, 2025.

- b. Entered the United States without inspection over thirty-one (31) years ago and was not apprehended upon arrival, cf. *id.*; and;
 - c. Is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
9. After apprehending Petitioner on October 13, 2025, DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.
 10. The Court should expeditiously grant this petition.
 11. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.
 12. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
 13. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.
 14. Alternatively, the Court should order Petitioner’s release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

FACTUAL BACKGROUND

15. Petitioner, Miguel Angel Aguirre Rodriguez, is a native and citizen of Mexico. He entered the United States in December 1993 without inspection through Arizona and has not departed the country since then. He has therefore resided continuously in the United States for more than thirty (30) years, establishing deep family, community, and economic ties.
16. Since establishing his life in the United States, Petitioner has become a devoted husband, father, and long-standing member of his community. He is married to Marbelia Martinez, a naturalized United States citizen, and together they have built a stable family life in Florida.
17. Petitioner is the father of three United States citizen children, all of whom were born and raised in the United States. His children depend heavily on him for emotional stability, financial support, and daily parental guidance. Petitioner has been an active and present parent throughout their lives.
18. Petitioner has no serious criminal history and poses no danger to the community. Over the course of his decades-long residence in the United States, he has maintained steady employment, paid taxes, owned property jointly with his spouse, and demonstrated good moral character. Numerous family members, employers, and community members attest to his integrity, work ethic, and commitment to his family.
19. On October 13, 2025, Petitioner was stopped by local traffic police in Florida and subsequently transferred into the custody of the Department of Homeland Security. Following that encounter, he was placed into immigration detention and has remained continuously detained since that date.
20. Petitioner is currently in removal proceedings under section 240 of the Immigration and Nationality Act. While detained, he properly filed an Application for Cancellation of Removal for Certain Non-Permanent Residents, including all required filing fees and

extensive supporting documentation demonstrating his eligibility for relief. That application remains pending before the Immigration Court.

21. In addition to his pending cancellation case, Petitioner is also the beneficiary of an approved immigrant visa petition filed by his United States citizen spouse, reflecting the bona fide nature of their marriage and Petitioner's eligibility to pursue lawful permanent residence through consular processing, subject to applicable waivers.
22. Petitioner has also taken steps toward regularizing his immigration status through the filing of a provisional unlawful presence waiver, including compliance with biometrics and other procedural requirements imposed by U.S. Citizenship and Immigration Services. These actions further demonstrate his diligence, good faith, and intent to comply fully with the immigration laws of the United States.
23. Petitioner's prolonged detention has caused significant hardship to his family, particularly his United States citizen children, who have been deprived of their father's daily care, financial support, and emotional presence. His continued confinement threatens family unity and imposes severe and ongoing emotional and psychological harm.
24. Despite Petitioner's long residence in the United States, lack of dangerousness, strong family ties, pending applications for relief, and demonstrated compliance with immigration procedures, DHS continues to detain him without providing any individualized custody determination. Petitioner remains deprived of liberty without any meaningful assessment of whether continued detention is necessary or justified.

JURISDICTION

25. Petitioner is in the physical custody of Respondents. Petitioner is detained at Miami Federal Detention Center, Miami, Florida.

26. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
27. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
28. No petition for a *writ of habeas corpus* has previously been filed in any court regarding Petitioner.

VENUE

29. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Southern District of Florida, the judicial district in which Petitioner currently is detained.
30. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

31. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.
32. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES'

33. Petitioner Miguel Angel Aguirre Rodriguez is a citizen of Mexico who has been in immigration detention since October 13, 2025. After Petitioner was arrested in Florida, ICE took him into custody and has continued to detain him without setting bond. Petitioner has resided in the United States since December 1993.
34. Respondent **Kristi Noem** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent is a legal custodian of Petitioner.
35. 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 is a legal custodian of Petitioner.
36. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and has authority to release him.

¹ In *Rumsfeld v. Padilla*, the Supreme Court addressed the identity of the proper respondent to a § 2241 habeas petition filed by a U.S. citizen challenging his detention as an enemy combatant. 542 U.S. 426 (2004). The Court held that the only appropriate respondent for a traditional habeas corpus petition involving a "core challenge" to "present physical confinement" is the individual's "immediate custodian," meaning the person in charge of the facility where the individual is being held *Id.* at 435. In that case, the immediate custodian was the commanding officer in charge of the naval brig where the petitioner was physically held. *Id.* at 442. The Supreme Court also made it clear that it would not address who the proper respondent would be for a petition filed by a noncitizen "detained pending deportation." The Court noted a disagreement among different circuit courts regarding whether the Attorney General is a proper respondent to a habeas petition in such cases and stated, "Because the issue is not before us today, we again decline to resolve it" *Id.* at 435 n.8.

37. Respondent **Garrett J. Ripa**, Field Office Director, Enforcement and Removal Operations, Miami Field Office, is sued in his official capacity. These official exercises supervisory responsibility over immigration functions relevant to Petitioner's detention and the processing of matters that affect his custody and immigration status.
38. Respondent **E.K. Carlton**, Warden of the Federal Detention Center, Miami, Florida, is Petitioner's immediate custodian. The Warden maintains direct physical custody of Petitioner pursuant to the facility's authority to detain noncitizens for U.S. Immigration and Customs Enforcement and is a legal custodian of Petitioner.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

39. Petitioner has no administrative remedies to exhaust.
40. Petitioner's request for custody redetermination was denied solely due to lack of jurisdiction by the Immigration Judge, based on DHS's classification of Petitioner as subject to mandatory detention under INA § 235(b).
41. As such, Petitioner's continued detention in ICE custody cannot be challenged by way of bond proceedings before the Immigration Judge, as the Immigration Court has expressly determined it has no authority to consider bond.
42. Therefore, a writ of habeas corpus is the sole avenue to vindicate Petitioner's constitutional, statutory, and regulatory rights and to restore her liberty.
43. Furthermore, on or about January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: "Maldonado Bautista is not a nationwide injunction and does not purport to vacate, stay or enjoin Yajure Hurtado." Immigration judges are instructed to treat the BIA's decision in Matter of Yajure

Hurtado as binding precedent. EOIR guidance further states that a “declaratory judgment” is not binding and lacks the authority to compel specific action.²

CLAIM FOR RELIEF COUNT I:

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

44. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
45. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
46. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
47. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
48. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
49. By denying Petitioner a bond hearing under § 1226(a) and asserting that she is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*

CLAIM FOR RELIEF COUNT II

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution

² See <https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista>

50. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
51. The Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2), requires courts to hold unlawful and set aside agency actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under this standard, an agency must articulate a rational connection between the facts found and the choices made, and provide an adequate explanation for its actions, consistent with statutory authority. See *Judulang v. Holder*, 565 U.S. 42, 55 (2011).
52. The Department of Homeland Security has acted arbitrarily and capriciously in continuing to detain Petitioner without any individualized justification and has refused to follow the summary judgment of *Maldonado Bautista*. Petitioner has no criminal history, no record of violence or misconduct, and has consistently cooperated with immigration authorities. Nothing in his record establishes that he presents a danger to the community or a flight risk.
53. Despite these facts, DHS has maintained Petitioner’s detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate why release under supervision, bond, or other alternatives would be insufficient and why refusing to follow *Maldonado Bautista* is legally allowed.
54. DHS’s reliance on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), to justify continued detention is arbitrary and contrary to law. *Q. Li* addresses the jurisdiction of Immigration Judges to conduct bond hearings for individuals allegedly apprehended shortly after entry. It does not compel DHS to detain such individuals indefinitely, nor does it eliminate DHS’s longstanding discretionary authority to release noncitizens on parole, recognizance, supervision, or bond.

55. By treating *Q. Li* as an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the Immigration and Nationality Act.
56. DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in his case. Its failure to consider Petitioner's lack of criminal history, his cooperation with authorities, or his eligibility for alternatives to detention constitutes arbitrary and capricious decision-making.
57. DHS's actions are inconsistent with the statutory purpose of civil immigration detention, which is limited to ensuring appearance at future proceedings and protecting public safety. Petitioner's continued confinement does not advance either purpose.
58. DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Its continued detention of Petitioner must be set aside under 5 U.S.C. § 706(2)(A).
59. *Habeas* relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct DHS to provide a constitutionally adequate and reasoned custody determination consistent with the requirements of the Administrative Procedure Act and the Immigration and Nationality Act.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a *writ of habeas corpus* requiring that, within one day, Respondents release Petitioner;

- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

Dated: February 5, 2026

Respectfully Submitted,

/s/Caridad Acosta
Caridad Acosta, Esq
Legal Alliances PLLC
2600 Michigan Ave Unit # 452145
Kissimmee, Florida 34745
407-879-4284
Caridadacostaattorney@gmail.com
Attorney for Petitioner

EXHIBIT

EXHIBIT A	NOTICE TO APPEAR	02 - 04
EXHIBIT B	BIRTH CERTIFICATES OF RESPONDENT'S U.S. CITIZEN CHILDREN	06 - 08
EXHIBIT C	RESPONDENT'S USC SPOUSE CERTIFICATE OF NATURALIZATION	10 - 10
EXHIBIT D	RESPONDENT'S COPY OF MARRIAGE CERTIFICATE	12 - 12
EXHIBIT E	USCIS FORM I-130 APPROVAL NOTICE (FORM I-797)	14 - 14
EXHIBIT F	USCIS FORM I-601A BIOMETRICS APPOINTMENT NOTICE	16 - 16
EXHIBIT G	EOIR NATIONWIDE GUIDANCE	18 - 18

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

I represent Petitioner, MIGUEL ANGEL AGUIRRE RODRIGUEZ, 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: February 5, 2026

/s/Caridad Acosta
Caridad Acosta, Esq

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2026, I filed the foregoing petition for *Writ of Habeas Corpus* electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: February 5, 2026

/s/Caridad Acosta
Caridad Acosta, Esq