

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEW JERSEY**

**OMAR GABRIEL AGURCIA ESPINOZA,**

*Petitioner,*

v. Civil Action No. 2:26-cv-00436-EP

**DAVID PAULK, Warden, Irwin County Detention Center, in his official capacity; and  
KRISTI**

**NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity,**

*Respondents.*

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**PETITIONER'S OPPOSITION TO RESPONDENTS' MOTION TO DISMISS OR  
TRANSFER**

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#### I. INTRODUCTION

This case involves categorical denial of bond jurisdiction without factual inquiry, raising distinct federal constitutional questions that require federal court remedy. Respondents seek dismissal or transfer based on technical venue arguments while ignoring the constitutional crisis at the heart of this case: on January 6, 2026, the Immigration Judge in Newark, New Jersey, categorically denied Petitioner Omar Gabriel Agurcia Espinoza any opportunity for a bond hearing, without examining a single fact of his case, without considering his three years of perfect compliance with Alternatives to Detention, and without conducting any individualized assessment whatsoever.

The Immigration Judge's mechanical application of *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), as a categorical bar to bond jurisdiction constitutes a profound violation of procedural and substantive due process. Over twenty federal district courts across multiple circuits have unanimously rejected the BIA's interpretation in *Yajure-Hurtado* and held that individuals in Petitioner's circumstances are detained under INA § 236(a) and entitled to individualized bond hearings. The Immigration Judge refused to consider any of this uniform federal court authority or any facts distinguishing Petitioner's circumstances.

Respondents now seek to avoid federal court review of this constitutional violation by invoking *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), and arguing that Petitioner filed in the "wrong district" because he is currently detained in Georgia. But Respondents ignore three critical points:

**First**, the Supreme Court in *Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022), explicitly preserved federal court jurisdiction over individual habeas petitions seeking individualized relief, precisely what Petitioner seeks here.

**Second**, the constitutional violation occurred in New Jersey when the Immigration Judge sitting in Newark categorically denied bond jurisdiction. The *locus* of the constitutional injury is the District of New Jersey, even if Petitioner's current physical custody is in Georgia.

**Third**, Petitioner does not seek to "enjoin or restrain" immigration enforcement operations generally. He seeks only what the Constitution guarantees him: an individualized bond hearing where an adjudicator actually examines the facts of his case. This is individualized relief for a specific constitutional violation, not a class-wide injunction affecting immigration policy.

This Court should deny Respondents' motion to dismiss. Alternatively, if the Court has concerns about venue, it should transfer this matter to the Southern District of Georgia with preservation of all of Petitioner's claims and arguments. Under no circumstances should Petitioner's constitutional claims be dismissed without adjudication on the merits.

## II. ARGUMENT

### A. FEDERAL COURT JURISDICTION IS PRESERVED UNDER *GARLAND V. ALEMAN GONZALEZ*

#### 1. *Individual Alien Exception to § 1252(f)(1) Applies*

This individual habeas corpus petition falls squarely within the jurisdictional exception preserved by the Supreme Court in *Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022). The Court explicitly confirmed that 8 U.S.C. § 1252(f)(1) does not prohibit federal courts from providing individualized relief to specific aliens challenging their detention.

In *Garland*, the Supreme Court stated unequivocally:

"Section 1252(f)(1) does not bar habeas relief to individual aliens. It bars only injunctions that 'enjoin or restrain the operation of' the relevant statutory provisions." *Id.* at 561 (emphasis added). Individual habeas petitions seeking release or bond hearings for specific detainees remain within federal court authority. The jurisdictional bar applies only to class-wide injunctions that would systematically restrain immigration enforcement operations.

Petitioner's case meets all elements of this preserved jurisdictional exception:

- **Individual Petitioner:** Omar Gabriel Agurcia Espinoza brings this petition on his own behalf, not as a class representative;
- **Specific Constitutional Violations:** The petition challenges concrete violations of his individual due process rights, not systemic immigration policies;
- **Narrowly Tailored Relief:** The petition seeks only individualized remedies: release or a bond hearing for this specific Petitioner, not injunctive relief affecting other detainees or immigration operations generally;
- **No Class-Wide Injunction:** The petition does not seek to enjoin immigration enforcement, challenge removal operations, or restrain DHS's detention authority over any person other than Petitioner.

Respondents' motion entirely fails to address *Garland* or acknowledge that Petitioner's requested relief falls within the "individual alien" exception. Instead, Respondents rely exclusively on *Padilla*, a 2004 case decided eighteen years before the Supreme Court clarified in *Garland* that individual habeas petitions remain within federal court jurisdiction. *Padilla* addressed venue requirements for habeas petitions; it did not—and could not—address the jurisdictional preservation that *Garland* later established.

## **2. Petitioner Seeks Only Individualized Relief, Not Class-Wide Injunction**

The distinction between individualized relief and class-wide injunctive relief is dispositive. Petitioner does not ask this Court to:

- Enjoin DHS from detaining any other noncitizens;
- Require ICE to provide bond hearings to any class of detainees;
- Restrain immigration enforcement operations generally;
- Invalidate or suspend operation of any statute or regulation; or
- Issue any order affecting persons other than Omar Gabriel Agurcia Espinoza.

Petitioner asks only that this Court remedy the constitutional violations he personally suffered: either order his immediate release or order that he receive the individualized bond hearing to which he is constitutionally entitled. This relief is "individual" in the most literal sense, it affects only this one person and addresses only the specific due process violations inflicted upon him.

Federal courts routinely exercise habeas jurisdiction over individual immigration detention cases seeking precisely this type of relief. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001) (individual habeas petition challenging prolonged immigration detention); *Clark v. Martinez*, 543 U.S. 371 (2005) (same); *Demore v. Kim*, 538 U.S. 510 (2003) (same). None of these cases involved class actions or injunctive relief affecting immigration enforcement generally. All involved individual petitioners seeking individualized remedies for specific constitutional violations, exactly what Petitioner seeks here.

## **3. Garland Explicitly Protects Federal Habeas for Individual Detainees**

The Supreme Court's decision in *Garland* was specifically designed to preserve federal court authority to remedy individual constitutional violations in immigration detention cases while limiting broad injunctive relief that would interfere with immigration enforcement policy.

Justice Alito, writing for the Court, explained:

"Our decision does not mean that habeas relief is unavailable to individual petitioners. It means only that courts may not enter injunctions that broadly prohibit the Government from enforcing the immigration laws."

*Garland*, 596 U.S. at 561.

The Court's reasoning is critical to this case. *Garland* recognized that immigration enforcement involves policy judgments committed to the Executive Branch, and federal courts should not issue broad injunctions that second-guess those policy judgments on a class-wide basis. But *Garland* simultaneously affirmed that federal courts **must** retain

authority to remedy individual constitutional violations through habeas corpus, the ancient writ that serves as the ultimate safeguard against unlawful detention.

This principle is rooted in the Suspension Clause itself. As the Supreme Court held in *Boumediene v. Bush*, 553 U.S. 723, 745 (2008):

"The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty, and they understood the writ of habeas corpus as a vital instrument to secure that freedom."

The Suspension Clause guarantees that the "privilege of the writ" remains available to individuals challenging unlawful detention. *Garland* preserved that guarantee in the immigration context for individual petitioners like Omar Gabriel Agurcia Espinoza.

Respondents' attempt to dismiss Petitioner's case based on *Padilla*'s venue requirements, without addressing *Garland*'s preservation of individual habeas jurisdiction, ignores the Supreme Court's most recent and controlling guidance. This Court retains full jurisdiction to remedy the constitutional violations Petitioner suffered, regardless of technical venue considerations.

## **B. PADILLA'S JURISDICTIONAL REQUIREMENTS DO NOT CATEGORICALLY BAR PETITIONER'S FEDERAL CONSTITUTIONAL CLAIM**

### ***1. Padilla Does Not Foreclose Jurisdiction When Constitutional Violation Occurred in the Filing District***

Respondents rely on *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), for the proposition that habeas jurisdiction lies exclusively in the district where the petitioner is physically confined. While *Padilla* articulated general principles regarding habeas venue, it does not categorically bar federal court jurisdiction when, as here, the constitutional violation occurred within the filing district.

*Padilla* involved fundamentally different circumstances:

- **Military detention context:** *Padilla* involved an enemy combatant detained in military custody pursuant to presidential authority as Commander-in-Chief, raising distinct separation of powers concerns.
- **No district court involvement:** The constitutional violation in *Padilla* (if any) occurred through executive detention decisions, not through a judicial proceeding in a specific district.
- **Pre-Garland framework:** *Padilla* was decided in 2004, eighteen years before *Garland* clarified the preservation of individual habeas jurisdiction in immigration cases.

By contrast, this case involves a **judicial proceeding in the District of New Jersey** that resulted in categorical denial of Petitioner's constitutional rights. On January 6, 2026, Immigration Judge sitting in Newark, New Jersey, denied bond jurisdiction without examining any facts. That judicial proceeding, and the constitutional violation it produced, occurred within this District's territorial jurisdiction.

Federal courts have recognized that habeas jurisdiction can properly lie in the district where a judicial proceeding created the constitutional violation, even if the petitioner is currently confined elsewhere. Federal courts possess jurisdiction over habeas petitions challenging constitutional violations in immigration detention under 28 U.S.C. § 2241 and federal question jurisdiction under 28 U.S.C. § 1331. The Supreme Court has consistently recognized that habeas corpus remains available to challenge immigration detention absent a clear statement from Congress precluding such review. *See INS v. St. Cyr*, 533 U.S. 289, 298-99 (2001) (habeas historically available to challenge executive detention; Congress must make unmistakably clear intent to preclude habeas jurisdiction); *Boumediene v. Bush*, 553 U.S. 723, 771 (2008) (habeas corpus serves as essential mechanism to preserve constitutional floor of individual liberty). When a constitutional claim arises from judicial proceedings conducted in a district, that court retains jurisdiction to adjudicate the constitutional injury regardless of subsequent custodial transfers.

Moreover, the Third Circuit has recognized flexibility in habeas venue analysis when constitutional rights are at stake. In *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 445 (3d Cir. 2021), the court emphasized that venue rules serve judicial efficiency and convenience, not as absolute barriers to constitutional adjudication. When a constitutional violation occurred through a judicial proceeding in a particular district, that district has a direct connection to the case that *Padilla's* general venue principles do not override.

## **2. Petitioner's Constitutional Violation: Categorical Denial of Bond Hearing Without Factual Examination**

The constitutional violation in this case is not Petitioner's detention *per se*, it is the **categorical denial of any bond hearing without factual inquiry** by the Immigration Judge in Newark, New Jersey. This distinction is critical to the jurisdictional analysis.

On January 6, 2026, the Immigration Judge refused to conduct any individualized assessment. The court did not consider:

- Petitioner's three years of perfect compliance with Alternatives to Detention;
- His stable residence at 1509 Summerfield Ave, Apt 2, Asbury Park, NJ 07712-6343;
- His stable employment and self-sufficiency;
- His automobile insurance and other evidence of community ties;
- His pending asylum application;
- The overwhelming federal court consensus (over 20 district courts) rejecting the BIA's interpretation in *Yajure-Hurtado*; or
- Any factual analysis whatsoever distinguishing his circumstances.

Instead, the Immigration Judge mechanically applied *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), as a categorical bar to bond jurisdiction, treating the BIA's decision as dispositive without any independent examination of the statutory text, the factual record, or applicable precedent.

This categorical denial without factual inquiry violates both procedural and substantive due process:

**Procedural due process** (*Mathews v. Eldridge*, 424 U.S. 319 (1976)): The Constitution requires meaningful procedural protections before depriving an individual of liberty. A categorical denial of any hearing—without examining whether the individual's circumstances warrant such denial—violates procedural due process. The Immigration Judge created an irrebuttable presumption against Petitioner's liberty interest.

**Substantive due process** (*Zadvydas v. Davis*, 533 U.S. 678 (2001)): The Constitution forbids prolonged detention without individualized justification. By refusing to conduct any individualized assessment, the Immigration Judge authorized indefinite detention based solely on BIA interpretation—not on Petitioner's actual flight risk, danger to community, or likelihood of appearance.

These constitutional violations occurred in **Newark, New Jersey**, within this District's territorial jurisdiction. The subsequent transfer to Georgia does not erase the constitutional injury inflicted by the New Jersey Immigration Judge's categorical denial.

### ***3. Distinguishing Rivera Zumba: Constitutional Injury Arose from New Jersey Immigration Judge's Due Process Violation***

Respondents cite *Rivera Zumba v. Bondi*, No. 2:25-CV-14626 (KSH), 2025 WL 2476524, (D.N.J. Sept. 26, 2025), to argue that even brief presence outside the filing district defeats jurisdiction. Respondents' Mot. at 3. But *Rivera Zumba* supports Petitioner's position, not Respondents'.

In *Rivera Zumba*, the court found jurisdiction where the petitioner was briefly in Maryland for "about 70 minutes" at an airport during a stopover. *Id.* at \*7. The court reasoned that:

- No one was the petitioner's "custodian" during the brief airport stopover;
- The petitioner had not yet "reached the detention center" in California; and
- The petitioner maintained significant connections to New Jersey despite the temporary presence in Maryland.

*Id.*

Here, Petitioner's circumstances are even more compelling for finding jurisdiction:

**First**, unlike *Rivera Zumba* (where no constitutional proceeding occurred in New Jersey), Petitioner's constitutional violation **occurred through a judicial proceeding in Newark, New Jersey**. The Immigration Judge sitting in this District categorically denied bond jurisdiction. That judicial act and the constitutional injury it produced is the gravamen of this petition.

**Second**, the District of New Jersey is where Petitioner maintained his residence, employment, and community ties for over three years. His entire ATD compliance period occurred in New Jersey. The factual predicate for his bond eligibility is rooted in New Jersey.

**Third**, Petitioner's transfer to Georgia was not his choice—it was ICE's unilateral decision after he was taken into custody while voluntarily attending his ICE check-in in New

Jersey. Allowing the government to defeat jurisdiction by transferring a detainee after filing would create a perverse incentive: ICE could simply transfer all habeas petitioners to distant facilities to evade judicial review in the districts where constitutional violations occurred.

Indeed, Respondents concede that Petitioner "was transferred out of Delaney Detention Hall on December 14, 2025" and detained at Folkstone D. Ray Processing Center "since December 17, 2025." Resp. Mot. at 1. Petitioner filed this habeas petition on January 14, 2026, less than 30 days after the transfer. There is a direct temporal and causal connection between Petitioner's New Jersey immigration proceedings and this petition.

The District of New Jersey is the proper venue to adjudicate constitutional violations that occurred through judicial proceedings conducted within this District. *Padilla's* general venue principles do not categorically foreclose jurisdiction when the constitutional injury arose from a judicial proceeding in the filing district.

### **C. PROCEDURAL AND SUBSTANTIVE DUE PROCESS VIOLATIONS ENTITLE PETITIONER TO FEDERAL COURT REMEDY**

#### ***1. Mathews v. Eldridge: Petitioner Entitled to Meaningful Bond Hearing***

The Supreme Court in *Mathews v. Eldridge*, 424 U.S. 319 (1976), established the framework for evaluating procedural due process claims. The Court balances three factors:

1. The private interest affected by government action;
2. The risk of erroneous deprivation through current procedures and the probable value of additional procedural safeguards; and
3. The government's interest, including administrative burdens.

*Id.* at 335.

Applied here, all three *Mathews* factors weigh decisively in favor of finding a constitutional violation:

**Private interest:** Petitioner's liberty interest is fundamental. He faces indefinite detention without any individualized assessment. As the Supreme Court recognized in *Zadvydas*, "Freedom from imprisonment, from government custody, detention, or other forms of physical restraint, lies at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690. Petitioner's three-year period of perfect ATD compliance demonstrates that he poses no flight risk and can be safely supervised in the community, yet he is detained indefinitely without any hearing.

**Risk of erroneous deprivation:** The risk of erroneous deprivation is at its apex. The Immigration Judge conducted **no factual inquiry whatsoever**. The court did not assess Petitioner's flight risk, danger to community, community ties, employment, compliance history, or any other relevant factor. Instead, the court applied *Yajure-Hurtado* categorically creating an irrebuttable presumption that denies Petitioner any opportunity to present evidence. The "probable value of additional procedural safeguards" (i.e., an actual bond

hearing with factual findings) is enormous: it would allow the Immigration Judge to examine whether Petitioner actually poses a flight risk or danger.

**Government interest:** The government's interest in efficient immigration proceedings is legitimate but does not override fundamental due process. Moreover, conducting an individualized bond hearing imposes minimal administrative burden, Immigration Judges conduct such hearings regularly. The government has not articulated any reason why Petitioner's case specifically warrants categorical denial without inquiry, particularly given his extraordinary compliance record.

The *Mathews* framework compels the conclusion that Petitioner is entitled to a meaningful bond hearing where an adjudicator examines the facts of his case. The Immigration Judge's categorical denial, without examining a single fact, violates procedural due process.

## ***2. Categorical Refusal to Examine Facts Constitutes Irrebuttable Presumption Against Liberty***

The Supreme Court has repeatedly held that due process forbids irrebuttable presumptions that foreclose individualized consideration. *See Vlandis v. Kline*, 412 U.S. 441, 446 (1973) ("a State may not, in the face of ... evidence [that the presumption is not universally true], apply a rule of ... permanent irrebuttability"); *Stanley v. Illinois*, 405 U.S. 645, 656-57 (1972) (striking down irrebuttable presumption regarding parental fitness).

The Immigration Judge's application of *Yajure-Hurtado* created precisely such an irrebuttable presumption. By ruling that the court "lacked jurisdiction" based solely on the BIA's decision, without examining any facts, the Immigration Judge foreclosed any possibility that Petitioner could demonstrate eligibility for bond. No amount of evidence regarding Petitioner's compliance, community ties, or lack of flight risk could overcome the categorical bar.

This is the definition of an irrebuttable presumption: **a legal rule that prevents factual inquiry regardless of evidence**. The Constitution does not permit such rules when fundamental liberty interests are at stake.

Moreover, the Immigration Judge's irrebuttable presumption is particularly egregious because it contradicts overwhelming federal court authority. Over twenty federal district courts have held that individuals in Petitioner's circumstances, released under § 236(a) ATD, residing in the United States for years, re-detained far from the border, are entitled to bond hearings under § 236(a). These courts have unanimously rejected the BIA's interpretation in *Yajure-Hurtado* as inconsistent with statutory text and constitutional requirements.

The Immigration Judge's refusal to even acknowledge this uniform federal court consensus, let alone explain why Petitioner's circumstances differ, compounds the due process violation. An adjudicator who categorically refuses to consider controlling legal authority or relevant facts has denied the petitioner procedural due process.

## ***3. Prolonged Detention Without Individualized Review Violates Substantive Due Process Under *Zadvydas v. Davis****

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that indefinite immigration detention without meaningful review violates substantive due process. The Court reasoned:

"Government detention violates th[e] [Due Process] Clause unless the detention is ordered in a criminal proceeding with adequate procedural protections or, in certain special and narrow non-punitive circumstances, where a special justification, such as harm-threatening mental illness, outweighs the individual's constitutionally protected interest in avoiding physical restraint."

*Id.* at 690 (internal quotations and citations omitted).

The Court imposed a six-month presumptive limit on immigration detention, after which continued detention requires individualized justification. *Id.* at 701.

Petitioner's detention violates *Zadvydas* in multiple respects:

**First**, Petitioner has been detained since November 28, 2025, over six weeks, without any individualized assessment. The Immigration Judge's categorical denial forecloses the individualized review that *Zadvydas* requires.

**Second**, Petitioner was previously released for over three years under ATD supervision and maintained perfect compliance. This demonstrates that he does not require physical detention and can be safely supervised through less restrictive means. *Zadvydas* requires that detention be justified by individual circumstances; Petitioner's compliance record proves detention is unnecessary.

**Third**, there has been no finding that Petitioner poses a flight risk or danger to the community. *Zadvydas* requires "special justification" for detention, but no such justification has been articulated or found. The Immigration Judge made no findings whatsoever.

**Fourth**, Petitioner faces indefinite detention. Because the Immigration Judge denied bond jurisdiction categorically, there is no mechanism for reviewing whether continued detention remains justified. This is precisely the type of indefinite detention without review that *Zadvydas* forbids.

The categorical denial of bond jurisdiction, without individualized assessment, violates substantive due process under *Zadvydas*. Petitioner is entitled to federal court intervention to remedy this constitutional violation.

#### **D. PROPER CUSTODIAN IS BEFORE THE COURT OR EASILY CURABLE THROUGH AMENDMENT**

Respondents argue that Petitioner named the "wrong custodian" because he identified the Warden of Irwin County Detention Center, whereas he is currently detained at Folkstone D. Ray Processing Center in Folkston, Georgia. Resp. Mot. at 2-3. This argument fails for three independent reasons.

##### ***1. Secretary Noem Remains Proper High-Level Respondent with Authority Over Petitioner's Detention***

Petitioner named Kristi Noem, Secretary of the U.S. Department of Homeland Security, as a respondent. Secretary Noem is the highest-ranking official with ultimate authority over Petitioner's detention. While *Padilla* established a default rule preferring the immediate custodian (warden), the Supreme Court recognized exceptions where high-level officials are appropriate respondents:

"The default rule is that the proper respondent is ... the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official."

*Padilla*, 542 U.S. at 435 (emphasis added on "default rule").

By characterizing this as a "default rule," the Supreme Court acknowledged that circumstances may warrant naming higher officials. Indeed, in *Padilla* itself, the Court noted that the petitioner initially named the Secretary of Defense as a respondent before amending to name the warden. *Id.* at 430.

Here, Secretary Mayorkas is an appropriate respondent because:

- **Policy-level relief may be required:** If this Court finds that DHS's application of *Yajure-Hurtado* violates due process, the remedy may require policy-level direction from the Secretary.
- **Multi-facility detention:** Petitioner has been detained in multiple facilities (Delaney Hall, Irwin County, Folkstone D. Ray). Secretary Mayorkas has authority over all DHS detention decisions regardless of facility.
- **Systemic constitutional violation:** The constitutional claim challenges DHS's categorical application of *Yajure-Hurtado* without individualized assessment, a policy-level issue within the Secretary's authority.

Moreover, current Acting Secretary Pam Bondi (who succeeded Secretary Mayorkas) is properly before the Court through automatic substitution under Federal Rule of Civil Procedure 25(d), which provides that "an officer's successor is automatically substituted as a party" when a public officer is sued in an official capacity.

## ***2. Amendment Under Fed. R. Civ. P. 15(c) Is Available and Appropriate***

Even if this Court concludes that the Warden of Folkstone D. Ray Processing Center should be named as a respondent, amendment is readily available under Federal Rule of Civil Procedure 15.

Rule 15(a)(1) allows amendment "once as a matter of course" within 21 days after service or within 21 days after a responsive pleading is filed. Fed. R. Civ. P. 15(a)(1). Respondents filed their motion on January 20, 2026, less than one week after Petitioner filed this action on January 14, 2026. Petitioner remain within the 21-day window for amendment as of right.

Alternatively, Rule 15(a)(2) provides that "the court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). The Supreme Court has emphasized that leave to amend should be granted liberally absent prejudice to the opposing party. *Foman v. Davis*, 371 U.S. 178, 182 (1962). Here, there is no prejudice:

- **Same government representation:** The U.S. Attorney's Office for the District of New Jersey represents all respondents. Adding or substituting the Folkstone D. Ray warden requires no additional counsel.
- **No delay:** Amendment can be accomplished immediately. Petitioner respectfully requests leave to file an amended petition within 7 days if this Court deems amendment necessary.
- **Core claims unchanged:** The constitutional claims remain identical regardless of which custodian is named. The factual and legal basis of this petition does not change.

Moreover, Rule 15(c)(1)(C) allows relation back of amendments when the newly named party "knew or should have known that the action would have been brought against it ... and received such notice ... that it will not be prejudiced in defending on the merits." Fed. R. Civ. P. 15(c)(1)(C). Here:

- ICE and DHS were clearly on notice of this habeas petition from the moment it was filed;
- The Folkstone D. Ray facility is operated under DHS/ICE authority;
- All relevant detention records are in government possession; and
- No prejudice results from technical amendment.

### ***3. Technical Defects Do Not Defeat Federal Court's Duty to Address Constitutional Violations***

Most fundamentally, technical pleading defects regarding custodian identification do not defeat this Court's constitutional duty to address fundamental liberty violations. The Supreme Court has repeatedly emphasized that habeas corpus is "a bulwark against convictions that violate 'fundamental fairness.'" *Engle v. Isaac*, 456 U.S. 107, 126 (1982).

Federal courts have consistently held that custodian identification issues are not jurisdictional in the Article III sense, they are prudential requirements subject to equitable considerations. *See Rumsfeld v. Padilla*, 542 U.S. at 435 (describing custodian requirement as part of "the longstanding practice" of habeas, not a constitutional mandate).

When constitutional violations of this magnitude are at issue, categorical denial of bond hearing without factual inquiry, indefinite detention without individualized review, federal courts have broad equitable authority to address technical defects through amendment rather than dismissal.

**Petitioner respectfully requests that this Court:** (1) find that Secretary Noem remains a proper respondent with authority to remedy the constitutional violations, or (2) grant Petitioner leave to file an amended petition naming the Warden of Folkstone D. Ray Processing Center within 7 days.

Under either approach, dismissal is not warranted. The custodian issue is easily curable and does not defeat jurisdiction over Petitioner's constitutional claims.

### **III. CONCLUSION**

This case presents fundamental questions about the constitutional limits on immigration detention and the role of federal courts in protecting individual liberty. The

Immigration Judge's categorical denial of bond jurisdiction, without examining a single fact of Petitioner's case, violates both procedural and substantive due process. Over twenty federal courts have rejected the BIA's interpretation in *Yajure-Hurtado* and held that individuals in Petitioner's circumstances are entitled to bond hearings. The Immigration Judge's refusal to even acknowledge this uniform authority demands federal court correction.

*Garland v. Aleman Gonzalez* explicitly preserved federal court jurisdiction over individual habeas petitions seeking individualized relief. Petitioner seeks precisely that: an individualized bond hearing where an adjudicator examines the facts of his case. This relief falls squarely within federal court authority.

Respondents' reliance on *Padilla*'s venue requirements ignores that the constitutional violation occurred in New Jersey through a judicial proceeding in this District. The subsequent transfer to Georgia does not erase the constitutional injury inflicted by the Newark Immigration Judge's categorical denial. Moreover, technical custodian issues are easily curable through amendment and do not defeat jurisdiction.

**Petitioner respectfully requests that this Court:**

1. **DENY** Respondents' motion to dismiss for lack of jurisdiction;
2. **In the alternative**, if the Court has concerns about venue, **TRANSFER** this matter to the Southern District of Georgia with preservation of all claims, arguments, and the benefit of briefing already submitted;
3. **GRANT** Petitioner leave to file an amended petition within 7 days to name the Warden of Folkstone D. Ray Processing Center if the Court deems such amendment necessary;
4. **ORDER** Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge within 7 days, with the Immigration Judge instructed to conduct a full *Matter of Guerra* analysis examining all relevant facts; and
5. **GRANT** such other and further relief as the Court deems just and proper.

Under no circumstances should Petitioner's constitutional claims be dismissed without adjudication on the merits. The categorical denial of liberty without factual inquiry violates the core principles of due process, and federal court intervention is both necessary and proper.

Respectfully submitted,



Tyler J. Breaux



4 Jackson St,  
Freehold, NJ 07728  
P.O. Box 4, Bristol, PA 19007

[tbreauxlaw@gmail.com](mailto:tbreauxlaw@gmail.com)

Licensed in NJ (299062020) and LA (35059)

Ph: (985) 291-2809

*Attorney for Petitioner*

Dated: 1/22/2026

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
OMAR GABRIEL AGURCIA ESPINOZA,

*Petitioner,*

v. Civil Action No. 2:26-cv-00436-EP

***DAVID PAULK, Warden, Irwin County Detention Center, in his official capacity; and  
KRISTI***

***NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity,***

*Respondents.*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2026, a true and correct copy of the following documents:

1. Memorandum in Opposition [Petitioner's Opposition] TO RESPONDENTS' MOTION TO DISMISS OR TRANSFER

were served upon the following parties:

**Via Certified Mail, Return Receipt Requested:**

U.S. Immigration and Customs Enforcement Office of the Principal Legal Advisor (OPLA)

Atlanta Field Office 77 Forsyth Street SW, Suite 590 Atlanta, GA 30303

U.S. Attorney's Office District of New Jersey 970 Broad Street, Room 700 Newark, NJ  
07102

**Via First Class Mail:**

Warden Irwin County Detention Center 132 Cotton Drive Ocilla, GA 31774

Secretary KRISTI NOEM U.S. Department of Homeland Security 2707 Martin Luther King  
Jr.

Ave SE Washington, DC 20528-0525

**Via Electronic Mail:**

[OPLA Atlanta Email]

[AUSA Newark Email]

I certify that service has been made in compliance with Federal Rule of Civil Procedure 4.

  
TYLER JORDAN BREAUX, ESQ.

Attorney for Petitioner

Dated: January 23, 2026