UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
Las Cruces Division

Jagjeet Singh,

Petitioner,

v.

Kristi Noem, *Secretary of Homeland Security*,

Todd Lyons, *Acting Director, U.S. Immigration and Customs Enforcement*,

Mary De Anda-Ybarra, *Director, El Paso ICE Field Office*

Pamela Bondi, *Attorney General*, *U.S. Department of Justice*

Dora Castro, *Warden*, *Otero County Processing Center*,

Respondents.

Civil Action No. _______________

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Jagjeet Singh (A [redacted] is a citizen of India who entered the United States without inspection between ports of entry on the U.S.-Mexico border in March 2024. He was briefly encountered by U.S. immigration officials, taken into custody, and released shortly thereafter. He was then detained by U.S. Immigration and Customs Enforcement ("ICE") at a routine check-in appointment nearly two years after his entry. Petitioner Singh was detained by ICE under facts and circumstances that place him squarely within ICE's general detention authority 8 U.S.C. § 1226(a). Under that statute, Petitioner is eligible to seek discretionary release on bond from an Immigration Judge ("IJ"). However, due to a new policy announced by ICE in

July 2025, and a September 2025 Board of Immigration Appeals (BIA) decision that overturns decades of settled law, Respondents contend that Petitioner is actually detained under 8 U.S.C. § 1225(b)(2). However, while § 1225 requires mandatory detention and does not allow release on bond, it only applies to noncitizens apprehended at the border who are "seeking admission." Petitioner therefore brings this action for injunctive relief to restrain Respondents from subjecting Petitioner to mandatory detention under 8 U.S.C. § 1225(b); and seeking an order that Respondents schedule him for a discretionary bond hearing pursuant to § 1226(a) before an IJ within 7 days.

JURISDICTION AND VENUE

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

2. This Court also has federal question jurisdiction, through the APA, to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). APA review of a final agency action may proceed, absent a special statutory review proceeding, by "any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction." 5 U.S.C. § 703.

3. Venue lies in this District because Petitioner is currently detained within the territorial jurisdiction of this division of this District; and each Respondent is an agent or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

THE PARTIES

4. Petitioner Jagjeet Singh is a national and citizen of India and is currently detained

by Respondents at the Otero County Processing Center in Chaparral, New Mexico, within the territorial jurisdiction of this Court.

5. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

6. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible for all immigration enforcement in the United States.

7. Respondent Mary De Anda-Ybarra is the Director of the El Paso ICE Field Office in El Paso, Texas, which maintains jurisdiction over west Texas and New Mexico. She is the head of the ICE office that is unlawfully detaining Petitioner, and such detention is taking place under her direction and supervision. She is the immediate legal custodian of Petitioner.

8. Respondent Pamela Bondi is the Attorney General of the United States. She is the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review, including the Board of Immigration Appeals and the Immigration Court judges, who decide removal cases and applications for bond as her designees.

9. Respondent Dora Castro is the warden of the Otero County Processing Center in Chaparral, NM. She is the immediate custodian who is currently holding Petitioner in physical custody. She is sued in her official capacity.

10. All government Respondents are sued in their official capacities.

LEGAL BACKGROUND

A. Immigration Detention Legal Framework

11. When a noncitizen is alleged to have violated immigration laws, they are generally placed into traditional removal proceedings, during which an immigration judge will determine whether they are removable and then whether they have a legal basis to remain in the United States. 8 U.S.C. § 1229a.

12. Detention is authorized for "certain aliens already in the country pending the outcome of removal proceedings under § 1226(a) and 1126(c)." *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). The statute provides that an individual may be subject to either discretionary detention under 8 U.S.C. § 1226(a) generally, or mandatory detention under 8 U.S.C. § 1226(c) if they have been arrested or convicted of certain crimes. Discretionary detention under § 1226(a) has been described as the "default" provision for immigration detention for those subject to traditional removal proceedings. *Id.* at 288. Under § 1226(a), "'[e]xcept as provided in subsection (c) of this section,' the Attorney General 'may release' an alien detained under § 1226(a) 'on ...bond' or 'conditional parole.'" *Id.*

13. Alternatively, mandatory detention is authorized for "certain aliens *seeking admission* into the country under §§ 1225(b)(1) and 1225(b)(2)," [emphasis added]. *Jennings*, 583 U.S. at 289. Individuals inspected under § 1225(b) and determined to be "applicants for admission" may be subject to mandatory detention under two separate subsections. Applicants for admission include someone:

> "present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for the purposes of this chapter to be an applicant for admission."

§ 1225(a)(1).

14. The first subset, under 8 U.S.C. § 1225(b)(1), may be subject to expedited removal and mandatory detention if they are determined to be an "arriving alien," and if they have not been physically present in the United States continuously for a two-year period immediately prior. Regulations define an "arriving alien" as:

> "an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport."

8 C.F.R. § 1.2.

15. Otherwise, 8 U.S.C. § 1225(b)(2) provides for the detention of "applicant for admission" specifically when "the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title," i.e. for traditional removal proceedings [emphasis added].

16. An "arriving alien" or an applicant for admission "seeking admission" may only be released from detention on parole (which is a form of release on recognizance), under 8 U.S.C. § 1182(d)(5). *Jennings*, 583 U.S. at 288. There is no bond available to an arriving alien or applicant for admission seeking admission. *Id.* There is no such thing as a "parole bond" – a release must be either parole under § 1182(d)(5) or a bond (conditional parole) under § 1226(a). *Id.*

17. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE makes an initial custody determination to either set a bond or hold the individual at no bond. The noncitizen may then seek a review of ICE's initial custody determination before the IJ (a "custody review hearing"), who has the authority to modify ICE's custody determination and set bond in a

case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or deny bond completely. 8 C.F.R. § 1003.19.

18. Custody review hearings are separate from hearings in the underlying removal proceedings. 8 C.F.R. § 1003.19(d). If a noncitizen is granted bond by the IJ, she must still appear in immigration court for the IJ to determine her removability and hear any claim for relief from removal. At a custody review hearing, once jurisdiction over bond is established, the IJ's inquiry is limited to whether the detainee is a danger to the community or a flight risk, and bond may only be granted when an IJ has determined that the detainee meets his burden of proof that he is neither. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

19. For decades, it has been Respondents' practice to afford § 1226(a) discretionary bond hearings and custody review hearings to those individuals who have been encountered neither at a point of entry nor seeking admission to the United States. *See Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) ("Respondents' proposed application of § 1226 is also belied by the Department of Homeland Security's 'longstanding practice' of treating noncitizens taken into custody while living in the United States, including those detained and found inadmissible upon inspection and then released into the United States with the government's acquiescence, who have committed no crime after release, as detained under § 1226(a)." citing *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024)).

B. New ICE memo reinterpreting 8 U.S.C. § 1225(b)(2)

20. On July 8, 2025, Respondent ICE issued new interim guidance that announced a breathtakingly broad interpretation of 8 U.S.C. § 1225(b)(2). *See* ICE memorandum "Interim

Guidance Regarding Detention Authority for Applications for Admission."[1] This memo concerns the detention of "applicants for admission" as defined by § 1225(a)(1). "Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)(2)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)]." *Id.* DHS is explicit that this new policy is a marked deviation from prior interpretation and treatment of affected noncitizens. *Id.* ("For custody purposes, these aliens are now treated in the same manner that "arriving aliens" have historically been treated.")

21. In addition to the announcement re-interpreting § 1225(b)(2), the memo further clarifies that "[t]he only aliens eligible for a custody determination and release on recognizance, bond or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237 [8 U.S.C. § 1227], with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)]." *Id.*

22. Moreover, ICE maintains that "DHS does not take the position that prior releases of applicants for admission pursuant to INA § 236(a) were releases on parole under INA § 212(d)(5) based on this change in legal position." *Id.* ICE fails to clarify under what legal authority, then, those prior releases were effectuated. Rather, ICE signals the resulting lack of "correct" paperwork is nonetheless permissible. *Id.* ("Accordingly, ERO and HIS are not required to 'correct' the release paperwork by issuing INA § 212(d)(5) parole paperwork.")

23. Nationwide implementation of the ICE § 1225(b)(2) mass detention policy ensued.

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[1] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

C. BIA decision *Matter of Yajure Hurtado*

24. On September 5, 2025, the Board of Immigration Appeals (BIA), which oversees all appeals of IJ decisions including custody redeterminations, upheld ICE's re-interpretation of § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

25. In that case, the BIA held that the noncitizen respondent seeking bond was an "applicant for admission" within the scope of § 1225(b), and therefore subject to mandatory detention.

26. The BIA characterized the issue before it as "one of statutory construction: Does the INA require that *all* applicants for admission, even those like the respondent who have entered without admission or inspection and have been residing in the United States for years without lawful status, be subject to mandatory detention for the duration of their immigration proceedings, and thus the Immigration Judge lacks authority over a bond request filed by an alien in this category?" [emphasis added]. *Id.* at 220.

27. The BIA reasoned that individuals "who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer." *Id.* at 228.

28. The BIA acknowledged the decades of precedent preceding its decision that authorized release of individuals present without having been inspected and admitted or paroled under § 1226(a). *Id.* at 225, FN6 ("We acknowledge that for years Immigration Judges have conducted bond hearings for aliens who entered the United States without inspection. However, we do not recall either DHS or its predecessor, the Immigration and Naturalization Service, previously raising the current issue that is before us. In fact, the supplemental information for the

1997 Interim Rule titled 'Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures,' 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997), reflects that the Immigration and Naturalization Service took the position at that time 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.'")

29. Ultimately, the BIA upheld the decision that the IJ lacked jurisdiction under 8 U.S.C. § 1225(b)(2) to consider the respondent for discretionary bond. *Id.* at 229.

30. The BIA decision is binding on all immigration judges nationwide.

31. Respondents' new policy and interpretation of 8 U.S.C. § 1225(b)(2) stand to sweep millions of noncitizens into mandatory detention, without any consideration for release on bond (regardless of their ties to their community or lack of dangerousness or flight risk). *Rosado*, 2025 WL 2337099, at *11 ("It has been estimated that this novel interpretation would require the detention of millions of immigrants currently residing in the United States.")

D. Class Action in *Maldonado Bautista*

32. On November 25, 2025, the court in *Maldonado Bautista* certified a class of individuals who were seeking a bond hearing in the wake of the BIA's *Yajure Hurtado* decision:

> "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination."

Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Previously, the court had partially granted summary judgment in favor of the putative class, rejecting the reasoning in *Yajure Hurtado* and holding that the new ICE policy subjecting the putative class to mandatory detention under 8 U.S.C. § 1225(b)(2) was unlawful.

Maldonado Bautista v. Santacruz, 2025 WL 3289861 (C.D. Cal. Nov. 20 2025).

33. On December 18, 2025, the court granted the motion to reconsider, in light of the fact that immigration judges nationwide were refusing to follow the court's prior summary judgment decision, and granted a final judgment. *Maldonado Bautista*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). The court reiterated its prior holding. *Id.* at *6 ("In spite of *Yajure Hurtado*, this Court determined that Petitioners and those similarly situated are not "applicants for admission," and therefore not subject to mandatory detention under § 1225.") The court explained that "Although the MSJ Order does not grant vacatur of *Yajure Hurtado* under the APA, *Yajure Hurtado* is no longer controlling; the legal conclusion underlying the decision is no longer tenable." *Id.* However, the court did proceed to hold that "the Application is GRANTED as to the clarification that the MSJ Order declared the DHS Policy unlawful and granted vacatur under the APA." *Id.* at *12.

34. On 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*." *See* American Immigration Lawyers Association Practice Alert "EOIR Issues Nationwide Guidance on *Maldonado Bautista*."[2] CIJ Riley then instructed immigration judges to continue to apply *Yajure Hurtado*, on the guidance that declaratory judgments are not binding or preclusive. *Id.*

E. Orders of Release on Recognizance

35. Pursuant to their authority under 8 U.S.C. § 1226, Respondents may release an individual on an order or release on recognizance.

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[2] *Available at*: https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-Bautista (last visited January 22, 2026).

36. A release on recognizance is a form of release on conditional parole under 8 U.S.C. § 1226(a)(2)(B). *See Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255, at *7 (E.D. Va. Sept. 19, 2025) ("Release on recognizance is not a 'humanitarian' or 'public benefit' 'parole into the United States' under section 1182(d)(5)(A) but rather a form of 'conditional parole' from detention upon a charge of removability, authorized under section 1226."), citing *Martinez v. Hyde*, 2025 WL 2084238, at *3 (D. Mass. July 24, 2025); and *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115–16 (9th Cir. 2007). *See also Matter of Cabrera-Fernandez*, 28 I. & N. Dec. 747, 747 (BIA 2023) ("The respondents were ... released on their own recognizance pursuant to [the Department of Homeland Security's] conditional parole authority under ... 8 U.S.C. § 1226(a)(2)(B)[.]").

37. The authority to release an individual on conditional parole is vested in the officer issuing the warrant for arrest. *See also* 8 C.F.R. § 236.1(c)(8) ("Any officer authorized to issue a warrant of arrest may, in the officer's discretion, release an alien not described in [8 U.S.C. § 1226(c)(1)], under the conditions at [8 U.S.C. §§ 1226(a)(2) and (3)]").

38. Conditional parole may be revoked at any time. *See* 8 U.S.C. § 1226(b) ("The Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.").

39. However, only specific DHS officials are empowered to authorize the revocation of conditional parole, including: the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge. *See* 8 C.F.R. § 236.1(c)(9).

40. If the conditional parole is revoked, immigration officers may then "rearrest the alien under the original warrant, and detain the alien," [emphasis added]. *See* 8 U.S.C. § 1226(b).

FACTS

41. Petitioner Jagjeet Singh is a citizen of India. He entered the United States without inspection on or around March 18, 2024. Upon information and belief, shortly after his entry, he was encountered by immigration officials, briefly taken into custody, and released thereafter on his own recognizance, with instructions to report to his local ICE office within 60 days.

42. On March 19, 2024, the Department of Homeland Security issued Petitioner a Notice to Appear ("NTA"), initiating removal proceedings against him. *See* Exh. 1, Notice to Appear.

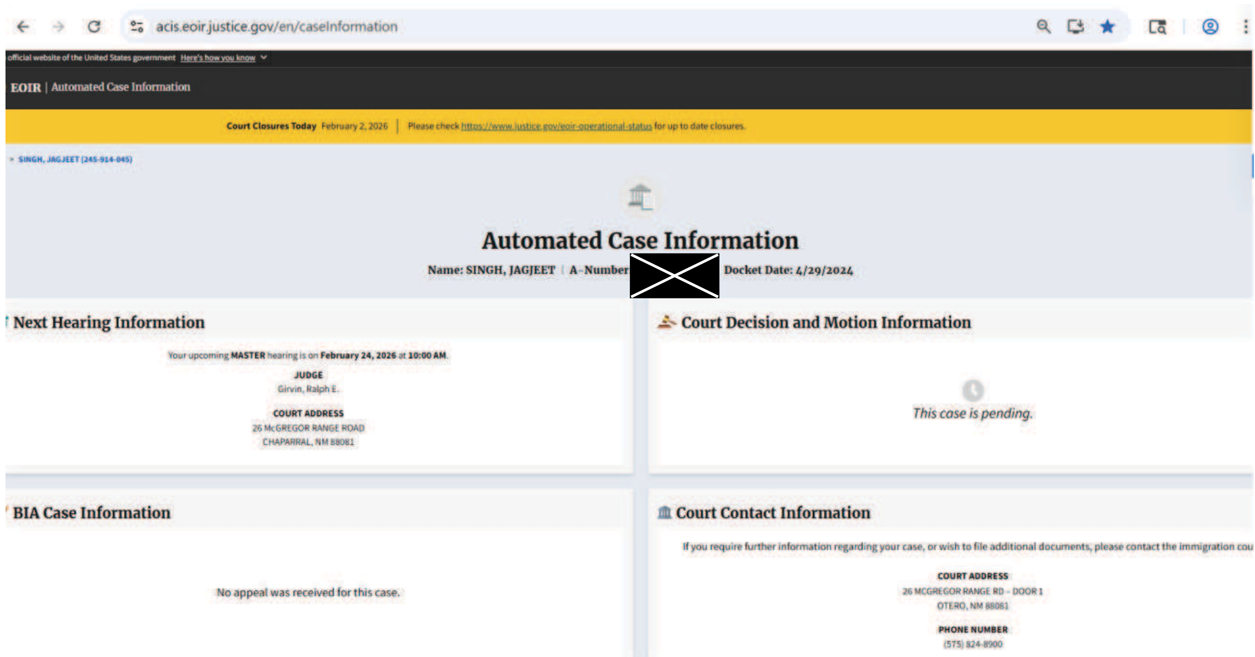
43. Petitioner then established a peaceful life in the United States. He settled in the New York City area with his wife, and the couple welcomed a U.S. citizen child together. As he fears return to India, Petitioner timely applied for asylum before the immigration court in 2024.

44. Petitioner was arrested by ICE on or about November 20, 2025. The day before, Petitioner appeared at the ICE's Federal Plaza field office in New York City for a scheduled check-in, accompanied by his wife and their child. Upon arrival, ICE officers instructed the family to return the following day and advised that their child could not accompany them and would need to be left in the care of another individual.

45. On or about November 20, Petitioner and his wife returned to the same ICE office as directed. Upon arrival, ICE officers fitted Petitioner's wife with an ankle monitor and detained Petitioner.

46. Petitioner is currently in custody at the Otero County Processing Center in Chaparral, New Mexico, within the territorial jurisdiction of this Court. *See* ICE Detainee Locator information (available at https://locator.ice.gov/ (last visited on February 6, 2026)):

47. Petitioner has pending removal proceedings (his Master Calendar Hearing is scheduled for February 24, 2026) and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at https://acis.eoir.justice.gov/ (last visited on February 6, 2026)):



48. Petitioner was provided with bond hearings on December 19 and December 29, 2025. On information and belief, bond was denied at the December 19 hearing pursuant to a finding that the Court lacked jurisdiction. Bond was again denied on December 29 due to lack of

jurisdiction and a finding that Petitioner's circumstances had not materially changed since December 19. Exh. 2, Order of the Immigration Judge, dated Dec. 29, 2025.

49. Petitioner is currently experiencing illnesses, including a cold and fever, as well as significant emotional distress as a result of his detention. He is deeply concerned for his wife, who is unemployed and solely responsible for the care of their 15-month-old child. Petitioner had been the family's sole source of income prior to his detention, in addition to his role as a caregiver for their child.

50. Since Petitioner's detention, his wife and child have been forced to move due to their inability to afford rent. Petitioner's wife now relies on the family's limited savings with no independent source of income or support. Unfamiliar with her new surroundings and unaccustomed to managing daily responsibilities without her husband, she is experiencing severe stress and anxiety while caring for their young child. The family was unprepared for Petitioner's sudden detention, having believed they were in compliance with the conditions of their release on recognizance by timely pursuing Petitioner's asylum application and attending his ICE check-ins.

51. All Respondents consider that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Matter of Yajure Hurtado*, 29 I&N Dec. at 216. Accordingly, it would be futile for Petitioner to appeal the Immigration Judge's prior denial of his bond redetermination request to the Board of Immigration Appeals. Exhaustion of administrative remedies would therefore be futile.

FIRST CLAIM FOR RELIEF:
No-Bond Detention in Violation of 8 U.S.C. § 1226(a)

52. Petitioner re-alleges and incorporates by reference paragraphs 1-50.

53. Since Petitioner is not an applicant for admission "seeking admission" or "an arriving alien" subject to 8 U.S.C. §§ 1225(b)(1) or (b)(2), and he has no disqualifying criminal

arrests or convictions subject to 8 U.S.C. § 1226(c), he is entitled to a full bond redetermination hearing by an immigration judge pursuant to 8 U.S.C. § 1226(a).

54. Alternatively, Petitioner was originally detained and released under § 1226(a) authority. He was most likely released on an Order of Release on Recognizance, pursuant to § 1226(a)(2)(B). When Petitioner's release on recognizance was revoked, he should have been rearrested under the original warrant and arresting authority of § 1226. *See* 8 U.S.C. § 1226(b). As such, he is entitled to an immigration judge bond redetermination hearing pursuant to § 1226(a).

55. Respondents' actions, as set forth herein, violate Petitioner's statutory right to a bond redetermination hearing in front of an immigration judge.

SECOND CLAIM FOR RELIEF:
Detention in Violation of the Regulations – *Accardi* Doctrine

56. Petitioner re-alleges and incorporates by reference paragraphs 1-50.

57. A release on recognizance is a form of release on conditional parole under 8 U.S.C. § 1226(a)(2)(B). To be sure, that conditional parole can be revoked. However, only specific officials within the DHS are empowered to authorize the revocation of conditional parole, including: the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge. *See* 8 C.F.R. § 236.1(c)(9).

58. If the conditional parole is revoked, immigration officers may then "rearrest the alien under the original warrant, and detain the alien," [emphasis added]. See 8 U.S.C. § 1226(b).

59. Here, Petitioner's arrest took place without a revocation of his presumed Order of Release on Recognizance, 8 C.F.R. § 236.1(c)(9). Alternatively, if the revocation of Petitioner's Order of Release on Recognizance occurred, it was effectuated by low-level ICE officers during a

routine check-in, also a violation of 8 C.F.R. § 236.1(c)(9). This regulation was designed to protect the Fifth Amendment due process rights of noncitizens like Petitioner. Thus, the arrest of Petitioner in contravention of regulations violated Petitioner's Fifth Amendment due process rights.

60. Respondents failed to comply with their own rules when they re-detained Petitioner. In arresting and re-detaining Petitioner, Respondents violated important substantive and procedural rules designed to protect his due process rights, and arrest and the revocation of Petitioner's conditional parole should be deemed void under the *Accardi* doctrine. This violation of required procedures also violated Petitioner's due process rights under the Fifth Amendment to the U.S. Constitution, and the writ of habeas corpus should issue.

THIRD CLAIM FOR RELIEF:
Detention in Violation of Due Process

61. Petitioner re-alleges and incorporates by reference paragraphs 1-50.

62. Immigration detention is civil, not criminal, in nature. There are only two permissible reasons for immigration detention: to avoid flight risk and danger to the community.

63. After entering the United States unlawfully, Petitioner went on to develop ties to the community over the course of nearly two years. Petitioner is therefore a "person" within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution, and has a liberty interest in freedom from physical restraint.

64. Respondents' actions in detaining Petitioner without a bond hearing before a neutral and detached magistrate deprives Petitioner of his rights without due process of law.

REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;

b) Ordering Respondents to provide all immigration records relating to Petitioner's prior and current detention, including any I-200 Warrant for Arrest, I-220A Order of Release on Recognizance, any bond revocation decision, and/or any other records relating to Petitioner's past or present custody;

c) Enjoin Petitioner's transfer outside of this judicial district pending this litigation;

d) Enjoin Respondents from holding Petitioner subject to detention under 8 U.S.C. § 1225(b)(2) and denying him a bond hearing on that basis;

e) Enjoin Respondents from re-arresting Petitioner subject to § 1225(b)(2);

f) Order Petitioner's immediate release from custody;

g) Order, in the alternative, Petitioner's immediate release and that Respondents conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a) within 7 days;

h) Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, upon payment of the bond as ordered by the Immigration Judge;

i) Award attorneys' fees pursuant to 28 U.S.C. § 2412(d)(1)(A);

j) Award Petitioner his costs of suit; and

k) Grant any other relief that this Court deems just and proper.

Respectfully submitted,

Date: February 6, 2026

/s/ Lauren Hodges
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

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500 12th Street SW, Mail Stop 5902
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Dora Castro, Warden,
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Respectfully submitted,

Date: February 4, 2026

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