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Counsel for Plaintiff,
Meliton Morales Ruiz

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Meliton MORALES RUIZ,)
Petitioner,)
v.)
WARDEN, *in their official capacity* as)
Warden of the Torrance County Detention)
Center; Mary DE ANDA-YBARRA, *in her*)
official capacity as Field Office Director of)
the El Paso Field Office of Enforcement and)
Removal Operations, U.S. Immigrations)
and Customs Enforcement, U.S.)
Department of Homeland Security; TODD)
M. LYONS, *in his official capacity* as)
Acting Director, Immigration and Customs)
Enforcement, U.S. Department of)
Homeland Security; KRISTI NOEM, *in her*)
official capacity as Secretary, U.S.)
Department of Homeland Security; and)
PAMELA JO BONDI, *in her official*)
capacity as Attorney General of the United)
States;)
Respondents.)
_____)

Case No. 26-CV-00308
PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

A # 

Introduction

1. Petitioner Meliton Morales Ruiz (“Petitioner”) is a citizen of Mexico who has resided in the U.S. for nearly 25 years and has never been in jail for a criminal offense. For more than two decades, he has worked hard to provide for his wife and children, two of whom are United States citizens. His youngest son suffers from congenital heart disease and a severe developmental delay. On information and belief, U.S. immigration agents apprehended him while he was driving home from one of his two jobs on January 13, 2026. *See Attachment (Attach.) A, Declaration of Meliton Morales Ruiz, ¶ 7.*
2. Petitioner is currently detained at the Torrance County Detention Center in Estancia, New Mexico. *See ICE Detainee Locator Results, Attach. B.*
3. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a precedential decision that unlawfully reinterpreted the Immigration and Nationality Act (“INA”). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Prior to this decision, noncitizens like Petitioner who had lived in the U.S. for many years and were apprehended by ICE in the interior of the country were detained under 8 U.S.C. Section 1226(a) and eligible to seek bond hearings before Immigration Judges (“IJs”). Instead, in conflict with nearly thirty years of legal precedent, Petitioner is now considered subject to mandatory detention under 8 U.S.C. Section 1225(b)(2)(A) and has no

opportunity for release on bond while his removal proceedings are pending.

4. Petitioner's detention under Section 1225(b)(2)(A) violates the plain language of the INA and its implementing regulations. Petitioner, who has resided in the U.S. for nearly 25 years and who was apprehended in the interior of the U.S., should not be considered an "applicant for admission" who is "seeking admission." Rather, he should be detained under Section 1226(a), which allows for release on conditional parole or bond as his immigration proceedings progress.
5. Petitioner seeks declaratory relief that he is subject to detention under Section 1226(a) and its implementing regulations and asks that this Court either order Respondents to release Petitioner from custody immediately or provide him with a bond hearing within seven days.

Custody

6. Petitioner is currently in the custody of Immigration and Customs Enforcement ("ICE") at the Torrance County Detention Center in Estancia, New Mexico. *See* ICE Detainee Locator Results, Attach. B. He is therefore in "'custody' of [the DHS] within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

Jurisdiction

7. This court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C.

Section 1331 (federal question), Article I, Section 9, cl. 2 of the United States Constitution (Suspension Clause), and the Immigration and Nationality Act (“INA”), 8 U.S.C. Section 1101 *et. seq.*

8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. Section 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. Section 2201 *et. seq.*, the All Writs Act, 28 U.S.C. Section 1651, and the Immigration and Nationality Act, 8 U.S.C. Section 1252(e)(2).
9. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging both the lawfulness and the constitutionality of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

Requirements of 28 U.S.C. Sections 2241, 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* A habeas petitioner must show they are “in custody in violation of the Constitution or laws or treaties of the United States.” *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610, at *4 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)). The petitioner “bears the burden of proving that he is being held

contrary to law; and because the habeas proceeding is civil in nature, the petitioner must satisfy his burden of proof by a preponderance of the evidence.” *Id.* (quoting *Skaftouros v. United States*, 667 F.3d 144, 158 (2d Cir. 2011) and citing *Bruce v. Estelle*, 536 F.2d 1051, 1058 (5th Cir. 1976)). “A court considering a habeas petition must ‘determine the facts, and dispose of the matter as law and justice require.’” *Id.* (quoting 28 U.S.C. § 2243).

11. Petitioner is “in custody” for the purpose of Section 2241 because Petitioner was arrested and detained by Respondents.

Venue

12. Venue is properly before this Court pursuant to 28 U.S.C. Section 1391(e) because Respondents are employees or officers of the United States acting in their official capacity and because Petitioner is currently detained in Estancia, New Mexico at the Torrance County Detention Center. *See* Attach. B.

Exhaustion of Administrative Remedies

13. Administrative exhaustion is unnecessary as it would be futile. *See, e.g., Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542–43 (E.D. Va. 1999).

14. It would be futile for Petitioner to seek a custody redetermination hearing before an IJ because of the BIA recent decision holding that anyone who has entered the U.S. without inspection is now considered an “applicant for admission” who is “seeking admission” and therefore subject to mandatory

detention under Section 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); *see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025) (noting that BIA’s decision in *Yajure Hurtado* renders exhaustion futile).

15. Additionally, the agency does not have jurisdiction to review Petitioner’s claim of unlawful custody in violation of his due process rights, and it would therefore be futile for him to pursue administrative remedies. *Reno v Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to review” constitutional claims).

Parties

16. Petitioner is from Mexico and has resided in the U.S. for approximately 24 years. He is currently detained in the Torrance County Detention Center in Estancia, New Mexico. He is married and has three children, two of whom are United States citizens. One of his children suffers from chronic heart failure.

17. Respondent Warden is sued in his or her official capacity as Warden of the Torrance County Detention Center in Estancia, New Mexico. In his or her official capacity, Respondent Warden is Petitioner’s immediate custodian.

18. Respondent Mary De Anda-Ybarra is sued in her official capacity as Field

Office Director of the El Paso Field Office, Enforcement and Removal Operations, ICE. In her official capacity, Respondent De Anda-Ybarra is the legal custodian of Petitioner.

19. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.

20. Respondent Kristi Noem is sued in her official capacity as Secretary of Homeland Security. As the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, Secretary Noem is Petitioner's ultimate legal custodian.

21. Respondent Pamela Jo Bondi is sued in her official capacity as the Attorney General of the United States. As Attorney General, she has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

Legal Background and Argument

22. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.

23. First, individuals detained under 8 U.S.C. Section 1226(a) are generally entitled to a bond hearing, unless they have been arrested, charged with, or convicted of certain crimes and are subject to mandatory detention. *See* 8

U.S.C. §§ 1226(a), 1226(c) (listing grounds for mandatory detention); *see also* 8 C.F.R. §§ 1003.19(a) (immigration judges may review custody determinations made by DHS), 1236.1(d) (same).

24. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. Section 1225(b)(1) as well as other recent arrivals deemed to be “seeking admission” under Section 1225(b)(2).

25. Third, the INA authorizes detention of noncitizens who have received a final order of removal, including those in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

26. The detention provisions at Sections 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

27. Following the enactment of the IIRIRA, the U.S. Department of Justice’s Executive Office of Immigration Review (“EOIR”) drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under Section 1225 and that they were instead detained under Section 1226(a). *See* 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) (“Despite 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”).

28. Thus, in the decades that followed, most people who entered without inspection and were thereafter detained and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an Immigration Judge (“IJ”), unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that Section 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

29. For decades, long-term residents of the U.S. who entered without inspection and were subsequently apprehended by ICE in the interior of the country have been detained under Section 1226 and entitled to bond hearings before an IJ, unless barred from doing so due to their criminal history.

30. In July 2025, however, ICE began asserting that all individuals who entered without inspection should be considered “seeking admission” and therefore subject to mandatory detention under 8 U.S.C. Section 1225(b)(2)(A).

31. On September 5, 2025, the BIA issued a precedential decision adopting this interpretation, departing from the INA’s text, federal precedent, and existing regulations. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

32. Defendants’ new legal interpretation runs counter to the statutory framework and its implementing regulations. For decades, Defendants had applied Section 1226(a) to people like the Petitioner. Defendants’ new policies are thus not only contrary to law, but are arbitrary and capricious in violation of the Administrative Procedure Act (“APA”). They were also adopted without complying with the procedural requirements of the APA.

33. Numerous federal courts have rejected this interpretation and instead have consistently found that Section 1226, not Section 1225(b)(2), authorizes detention of noncitizens who entered without inspection and were later apprehended in the interior of the country. *See e.g., Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting court’s disagreement with BIA’s analysis in *Yajure Hurtado*); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-

cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025); *see also Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO (HC) (E.D. Cal. Sept. 23, 2025); E, *Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM (M.D. Fla. Sept. 25, 2025); *Chafra v. Scott*, No. 2:25-cv-00437-SDN (D. Maine Sept. 21, 2025); *Sanchez Alvarez v. Noem*, 25-cv-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); *Ruis Mejia v. Noem*, 25-cv-1227, 2025 WL 3041827 at 5-6 (W.D. Mich. Oct. 31, 2025); *Rodriguez Carmona v. Noem*, No. 25-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *Puerto-Hernandez v. Lynch*, No. 25-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025).

34. Under the Supreme Court’s recent decision in *Loper Bright v. Raimondo*, this Court should independently interpret the statute and give the BIA’s expansive interpretation of Section 1225(b)(2) no weight, as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).

35. The detention provisions at Sections 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Following IIRIRA, the Executive Office for Immigration Review (“EOIR”) issued regulations clarifying that

individuals who entered the country without inspection were not considered detained under Section 1225, but rather under Section 1226(a). *See 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) (“Despite 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”).

36. The statutory context and structure also make clear that Section 1226 applies to individuals who have not been admitted and entered without inspection. In 2025, Congress added new mandatory detention grounds to Section 1226(c) that apply only to noncitizens who have not been admitted. *See The Laken Riley Act*, Pub. L. No. 119-1, § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).

37. By specifically referencing inadmissibility for entry without inspection under 8 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered by § 1226(a). In other words, Section 1226 plainly applies to noncitizens charged as inadmissible, including those present without admission or parole.

38. The Supreme Court has explained that Section 1225(b) is concerned

“primarily [with those] seeking entry,” and is generally imposed “at the Nation’s borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018). In contrast, Section 1226 “authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings.” *Id.* at 289 (emphases added).

39. Furthermore, Section 1225(b)(2) specifically applies only to those “seeking admission” and the implementing regulations at 8 C.F.R. Section 1.2 address noncitizens who are “coming or attempting to come into the United States.” The use of the present progressive tense would exclude noncitizens like Petitioner who are apprehended in the interior years after they entered, as they are no longer “seeking admission” or “coming [...] into the United States.” *See Martinez v. Hyde*, 2025 WL 2084238 at *6 (D. Mass. July 24, 2025) (citing the use of present and present progressive tense to support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200 (S.D. Cal. 2019) (construing “is arriving” in INA § 235(b)(1)(A)(i) and observing that “[t]he use of the present progressive, like use of the present participle, denotes an ongoing process”).

40. Accordingly, the mandatory detention provision of § 1225(b)(2) does not

apply to Petitioner, who had entered the U.S. approximately twenty (20) years ago.

Statement of Facts

41. Petitioner is a citizen of Mexico. Attach. C, *Mexican birth certificate*.
42. Petitioner has resided in the U.S. for approximately 24 years. Attach. A, *Declaration of Meliton Morales Ruiz*, ¶ 2. He has never been arrested or in jail for any criminal offense during his 20-plus years of residency in the U.S. *Id.*
43. Petitioner has been married for more than 25 years and has two U.S. citizen children. Attachs. E, F. His United States citizen son A-M-O- has been diagnosed with congenital heart disease, chronic lung disease, obstructive sleep apnea and a severe developmental delay. Attach. D. He requires multiple medications each day and intensive daily care. *Id.*
44. Multiple family members and friends have written letters of support for Petitioner, focusing on his character as a father, husband and hard worker. *See* Attach. G, *generally*.
45. Petitioner is now detained at the Torrance County Detention Center in Estancia, New Mexico. *See* Attach. B.
46. Without relief from this Court, he faces indefinite detention with no hope for a bond hearing.

Count I
Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond

47. Petitioner restates and realleges all paragraphs as if fully set forth here.

48. Petitioner may be detained, if at all, pursuant to 8 U.S.C. Section 1226(a).

49. Under Section 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. *See* 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

50. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

51. Petitioner's indefinite detention is therefore unlawful.

Count II
Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19
Unlawful Denial of Release on Bond

52. Petitioner restates and realleges paragraphs 1 through 51 as if fully set forth here.

53. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service ("INS") issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and

bond redetermination.” 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. Section 1226 and its implementing regulations.

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

Count III
Violation of 8 U.S.C. § 1252(b)(2)
Unlawful Detention Under This Provision

55. Petitioner restates and realleges paragraphs 1 to 54 as if fully set forth here.

56. Title 8 U.S.C. Section 1225(b) is concerned primarily with those seeking entry to the United States and is generally imposed at the Nation’s borders and ports of entry, where the Government must determine whether a noncitizen seeking to enter the country is admissible.

57. Upon information and belief, Petitioner has resided in the U.S. since 2003. He is therefore neither an arriving alien nor an alien who is now seeking admission to the United States.

58. Because 8 U.S.C. Section 1252(b) does not apply to Petitioner, Respondents’ detention of him under this provision is unlawful.

Count IV
Violation of Fifth Amendment Right to Due Process

59. Petitioner restates and realleges paragraphs 1 to 58 as if fully set forth here.

60. The Fifth Amendment’s Due Process Clause prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V.
61. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).
62. Under the *Mathews v. Eldridge* framework, the balance of interests strongly favors Petitioner’s release.
63. Petitioner’s private interest in freedom from detention is profound. The interest in being free from physical detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“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.”).
64. The risk of erroneous deprivation is exceptionally high. Petitioner has never been arrested for a criminal offense and has deep ties to his community, residing in Minnesota for more than 24 years and in his hometown of Lakeville for more than four years. He has two United States citizen children, one of whom has serious medical issues that require intensive daily care and medications. Attach. D.

65. The government's interest in detaining Petitioner without due process is minimal. Immigration detention is civil, not punitive, and may only be used to prevent danger to the community or ensure appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690.

66. Furthermore, the "fiscal and administrative burdens" of providing Petitioner with a bond hearing are minimal, particularly when weighed against the significant liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.

67. Considering these factors, Petitioner respectfully requests that this Court order his immediate release from custody or provide him with a bond hearing.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner not be transferred outside of this District;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days;
- (4) Declare that Petitioner's detention is unlawful;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release him from custody or provide him with a bond hearing pursuant to 8 U.S.C. Section 1226(a) or the Due Process Clause within seven days;

- (6) Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant him any further relief this Court deems just and proper.

Dated: February 1, 2026

Respectfully Submitted,

/s/Josh Franklin Sigal

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Verification Pursuant to 28 U.S.C. Section 2242

I represent the Petitioner, Meliton Morales Ruiz, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this 1 day of February , 2026.

/s/ Josh Franklin Sigal _____
Josh Franklin Sigal