

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

JUAN BRITO SAJIC,

Civil Action No. 1:26cv20815

Petitioner,

v.

MARCOS CHARLES, Immigration and Customs
Enforcement (ICE) Enforcement and Removal
Operations (ERO) Acting Executive Associate
Director.

JUAN AGUDELO, Interim Miami Field Office Director.

CHARLES WALL, Principal Legal Advisor for ICE's
Office of the Principal Legal Advisor.

PAMELA BONDI, U.S. Attorney General,

KRISTI NOEM, U.S. Secretary of the Department
of Homeland Security,

TODD M. LYONS, Senior Official Performing the
Duties of the Director of US Immigration and
Customs Enforcement;

JOHN DOE, Warden of the Broward Transitional Center.

Respondents.

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

INTRODUCTION

1. Petitioner Juan Brito Sajic (“Petitioner” or “Mr. Brito Sajic”) brings this petition for a Writ of *Habeas Corpus* pursuant to 28 USC section 2241 (“Petition”) and 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 at the Broward Transitional Center (“BTC”). Mr. Brito Sajic now faces unlawful detention because the Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review (“EOIR”) are misapplying the law related to his detention and have declined to apply the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment); *id.* at *9 (order certifying the proposed nationwide Bond Eligible Class and extending declaratory relief). See **Exhibit 1**.
2. Petitioner has remained detained without being provided an individualized bond hearing, based on Respondents’ continued misapplication of detention standards that the Courts, including the Southern District of Florida, have already determined to be inconsistent with the governing statutory framework. See e.g., *Aguilar Merino v. Ripa*, No. 25-23845-CIV-MARTINEZ, 2025 WL 2941609, at *3, 8 (S.D. Fla. Oct. 15, 2025)(“section 1226(a), not section 1225(b)(2), governs Petitioner’s detention”); *Gil v. Paulino v. Sec’y of the U.S. Dep’t of Homeland Sec.*, 25-24292-CIV-WILLIAMS, ECF No. 41 (S.D. Fla. Oct, 2025)(“Section 1226 governs Petitioner’s detention”); *Hernandez Alvarez v. Acting Warden Roger Morris, et al.*, Case No. 25-24806-CIV-WILLIAMS, ECF No. 6 (S.D. Fla. Oct. 27, 2025)(agreeing with petitioner that “detention is governed by 8 U.S.C. section 1226(a), which allows for the release of noncitizens on bond ... not section 1225(b)(2), applicable to noncitizen “applicant[s] for admission” to the United States.)
3. *Habeas corpus* is fundamentally “a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). A writ may be issued to a petitioner who demonstrates that he is being held in custody in violation of the constitution or federal law. See 28 U.S.C. section

2241(c)(3). The Court's jurisdiction extends to challenges involving immigration-related detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

4. Accordingly, this Court should grant Mr. Brito Sajic' petition for a writ of *habeas corpus* and order Respondents to release him immediately.

JURISDICTION

5. Petitioner is in the physical custody of Respondents. He is detained at the Broward Transitional Center (hereinafter, "BTC") in Pompano Beach, Florida, where he has remained continuously confined since **November 2025**.
6. 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).
7. 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.
8. Jurisdiction is proper under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the lawfulness of his detention. Congress has preserved judicial review of challenges to civil immigration detention. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018).
9. Petitioner has now been detained for almost three (3) months. During his detention, Petitioner filed a motion for bond, which was denied by the Immigration Court for lack of jurisdiction pursuant to *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
10. Petitioner's continued confinement constitutes prolonged civil detention and raises serious constitutional and humanitarian concerns, including exposure to abuse and the lack of adequate protection against harm. Judicial review is; therefore, required to safeguard Petitioner's fundamental rights under the Due Process Clause.

VENUE

11. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 1391 because Petitioner is physically detained at BTC in Broward County, Florida. He has remained in immigration custody continuously since **November 7, 2025**.
12. 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.
13. 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

14. 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*.
15. *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). “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. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
16. Petitioner’s detention has already been adjudicated as unlawful for class members under *Maldonado Bautista*, and further delay exacerbates ongoing constitutional and irreparable harm.

PARTIES

17. Petitioner Mr. Brito Sajic is a citizen of Guatemala who has been in immigration detention since **November 7, 2025**. After Petitioner was arrested, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On **January 2, 2026**, Petitioner was denied bond by an IJ at the Miami Immigration Court located at BTC because he was deemed an “applicant for

admission.” Petitioner has resided in the United States since approximately 2006, almost twenty (20) years.

18. Respondents are detaining Mr. Brito Sajic at BTC in Pompano Beach, Florida, pending removal proceedings. While in Respondents’ custody, Mr. Brito Sajic is subject to the authority, control, and detention policies implemented and enforced by Respondents.
19. Respondent **Kristi Noem** is the Secretary of the United States DHS and is responsible for the administration of immigration laws, 8 U.S.C. § 1103(a). Secretary Noem is a legal custodian of Petitioner and is named in her official capacity.
20. Respondent **Todd M. Lyons** is the ICE Director, responsible for the overall administration of all ICE detention facilities, including BTC.
21. Respondent **Juan Agudelo** is the Interim Field Office Director for the Miami ICE Field Office and has administrative jurisdiction over Petitioner’s case.
22. Respondent **Pamela Bondi** is the Attorney General of the United States and the senior official in the DOJ. She delegates authority over removal cases to the Executive Office for Immigration Review (hereinafter, “EOIR”), which administers the Immigration Courts and the Board of Immigration Appeals (hereinafter, “BIA”). She is named in her official capacity.
23. Respondent **Marcos Charles** is the Acting Executive Associate Director of ICE ERO. In this capacity, he leads the division responsible for the identification, arrest, detention, and removal of noncitizens. He has direct authority over the ERO policies that govern Petitioner’s detention and is a legal custodian of the Petitioner;
24. Respondent **Charles Wall** is the Principal Legal Advisor for ICE. In this capacity, he leads the Office of the Principal Legal Advisor (hereinafter, “OPLA”), which serves as the exclusive representative of DHS in immigration court proceedings. He has final authority over the legal positions taken by ICE attorneys regarding Petitioner’s custody and removal. He is a legal custodian of the Petitioner and is named in his official capacity.
25. Respondent **John Doe** is the Warden of BTC and is Petitioner’s immediate custodian. As Warden, Respondent **John Doe** exercises day-to-day control over Petitioner’s physical custody and is therefore a proper respondent in this *habeas* action.
26. Each of these Respondents is a legal custodian of Petitioner and is named in his/her official capacities.

FACTUAL AND PROCEDURAL HISTORY

27. Mr. Brito Sajic is a native and citizen of Guatemala, born on XXXXXXXXXX, as certified in his passport. *See Exhibit 2.*
28. Petitioner entered the United States in or about 2006 and has continuously resided in the United States since that time. At the time of entry, Petitioner was not apprehended, inspected, or admitted by immigration authorities. Following his entry, Petitioner lived openly and continuously in the interior of the United States for nearly two decades, during which he established deep and substantial ties to the United States, including long-term residence in Florida and lawful economic activity through a Florida-registered business. *See Exhibit 3.*
29. Petitioner currently has a pending U Visa petition (Form I-918) before U.S. Citizenship and Immigration Services (“USCIS”), supported by official documentation, including a law enforcement certification confirming that Petitioner was the victim of aggravated assault and battery and cooperated with law enforcement, a biometrics appointment notice, and a pending application for employment authorization. *See Exhibit 4.*
30. On November 7, 2025, after nearly twenty years of continuous presence in the United States, ICE apprehended Petitioner and placed him into immigration detention. Mr. Brito Sajic was placed in removal proceedings pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for entry without inspection. He has remained continuously detained since November 7, 2025, and remains detained to date. *See Exhibit 1*
31. Prior to this detention, Petitioner had never been arrested in the United States. At the time of his apprehension, Petitioner had a pending U visa application and maintained a Florida-issued temporary driving permit. *See Exhibit 5.*
32. Petitioner timely sought a custody redetermination hearing before the Immigration Court pursuant to 8 C.F.R. § 1236, submitting extensive evidence demonstrating his eligibility for bond, lack of dangerousness, lack of flight risk, and substantial community ties. *See Exhibit 6.*
33. Petitioner presented undisputed evidence of strong community ties and stability, including lawful business ownership in Florida, a valid Florida driver’s license, and a fixed residence, all of which support release under conditions less restrictive than detention.
34. Nevertheless, on January 2, 2026, the Immigration Judge (“IJ”) denied Petitioner’s request for bond, concluding that *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), was controlling and that the Immigration Court lacked jurisdiction to conduct a bond hearing. *See Exhibit 7.* As a result of this ruling, the IJ declined to conduct any meaningful, individualized

assessment of Petitioner's risk of flight, potential danger to the community, or suitability for release under INA § 236(a).

35. The IJ's determination was legally erroneous. Petitioner satisfies each element of the certified Bond Eligible Class. He entered the United States without inspection, was not apprehended upon arrival, lived openly in the interior of the United States for many years, and was only apprehended by ICE in 2025. He is not subject to mandatory detention under any provision of the Immigration and Nationality Act. Nonetheless, Respondents have continued to detain Petitioner without providing the bond hearing to which he is statutorily and constitutionally entitled.
36. As a direct result of Respondents' failure to apply controlling law, Petitioner has now been detained for several months without any meaningful custody hearing, without a neutral adjudicator weighing his individual circumstances, and without the government bearing the burden of justifying continued detention. Although immigration detention is civil in nature, Petitioner's confinement has become arbitrary, excessive, and punitive, in violation of the Due Process Clause of the Fifth Amendment.
37. Petitioner does not seek adjudication of the merits of his underlying removal proceedings through this *habeas* petition. Rather, he challenges only the lawfulness of his continued detention and Respondents' failure to comply with binding statutory and constitutional requirements. *Habeas corpus* is the appropriate and necessary mechanism to remedy this unlawful deprivation of liberty.
38. Accordingly, Petitioner respectfully requests that this Court grant the Petition for a Writ of *Habeas Corpus* and order Respondents to release Petitioner from DHS custody.

LEGAL ARGUMENTS: RESPONDENT IS BEING UNLAWFULLY DETAINED

A. Exhaustion of Remedies: Petitioner has exhausted his remedies before the Immigration Courts and the lack of appeal to the BIA should be excused as futile.

The exhaustion requirement under 8 USC section 1252(d)(1) "is not jurisdiction," but rather prudential. *Kemokai v. U.S. Att'y Gen.*, 83 F.4th 886, 891 (11th Cir. 2023)(acknowledging the abrogation of prior Eleventh Circuit precedent interpreting section 1252(d)(1) as a jurisdictional bar

by *Santos-Zavaria v. Garland*, 598 US 411, 413 (2023). Thus, administrative “exhaustion is not required where no genuine opportunity for adequate relief exists ... or an administrative appeal would be futile[.]” *Lindfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982.)

Here, the Petitioner requested a bond hearing, which was denied for lack of jurisdiction by the IJ given the recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In *Yajure Hurtado*, the BIA rejected the precise argument Petitioner raises here, concluding that “aliens who are present in the United States without admission are applicable for admission under ... 8 U.S. C. section 1225(b)(2)(A), and must be detained for the duration of their removal proceedings.” 29 I&N Dec. at 220. Because this is BIA precedent, any appeal to the BIA would serve no purpose. See e.g., *Puga v. Assistant Field Dir., Krome N. Serv., Processing Ctr.*, No. 25-24535, 2025 WL 2938369, at *3-6 (S.D. Fla. Oct 15, 2025) (“Since the result of Petitioner’s custody redetermination and any subsequent bond appeal to the BIA is nearly a foregone conclusion under *Matter of Yajure Hurtado*, any prudential exhaustion requirements are excused for futility.”); *Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sep. 8, 2025) (waiving exhaustion as “the most recent BIA decision on [whether section 1225 or 1226 applies] has adopted the legal interpretation of the new DHS policy that petitioners challete.”)

B. Relevant Immigration Statutes: Section 1226 governs Petitioner’s detention, this Court should order his immediate release.

Two (2) statutes principally govern the detention of noncitizens: 8 USC section 1225 and 1226.

I. 8 USC 1225

Section 1225 governs the inspection, detention, and removal of applicants for admission. See 8 USC section 1225 et seq. Applicants for admission are defined as noncitizens “present in the United States who have not been admitted” or those “arriving in the United States.” *Id.* All applicants for admission “must be inspected by immigration officers to ensure that they may be admitted into the country consistent with U.S. immigration law.” *Jennings v. Rodriguez*, 583 US 281, 287 (2018). To that end, US immigration law authorizes the Government to detain certain aliens seeking admission into the country under section 1225(b)(1) and (b)(2).” *Id.* at 289 (emphasis added).

“Section 1225(b)(1) applies to all aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.” *Id.* Such non-citizens are subject to expedited removal “without further hearing or review.” 8 U.S.C. section 1225(b)(1). However, if the noncitizen expresses “an intention to apply for asylum” or a fear of persecution, “the statute requires referral to an interview with an immigration officer. *Id.* Section 1225(b)(1)(A)(ii). If the immigrant officer finds a “credible fear,” the non-citizen “shall be detained for further consideration of the application for asylum.” *Id.*

“Section 1225(b)(2) is broader” and “serves as a catchall provision that applies to all applicants for admission not covered by section 1225(b)(1).” *Jennings*, 583 US at 287. Non-citizens covered under section 1225(b)(2) are detained for removal proceedings “if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted” into the country. 8 U.S.C. section 1225(b)(2)(A). Importantly, detention under section 1225(b)(2) is mandatory. *See Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025).

II. 8 USC 1226

Federal immigration law “also authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings.” *Jennings*, 583 U.S. at 289 (emphasis added). Section 1226(a) provides that when a noncitizen has been “arrested and detained pending a decision on whether the alien is to be removed from the United States,” the Attorney General may either continue to detain the individual or release them on bond or conditional release. *See* 8 USC section 1226(a). The statute thus “establishes a discretionary detention framework.” *Gomes*, 2025 WL 1869299, at *2.

III. 1226 Applies to Mr. Brito Sajic

The primary issue here is whether section 1225 or 1226 governs this Petitioner’s detention.

DHS proceeded under section 1226. Petitioner’s NTA did not classify him as an “arriving alien.” Instead, it charged him as “present in the United States without admission or parole.” *See Exhibit 1*. This classification places him squarely within section 1226. *See e.g. Pizarro Reyes*, 2025 WL 2609425, at *8 (emphasizing ICE’s selection of “present” rather than “arriving” on the notice to appear as evidence that section 1226 applied); *see also Hyppolite v. Noem*, No. 25-4304, 2025 WL

2829511, *8 (E.D.N.Y. Oct. 6, 2025) (respondent's initial classification of petitioner "certainly is relevant to the Court's assessment of the credibility and good faith of 'Respondents' new position as to the basis for detention, which was adopted post hoc and raised for the first time in this litigation.")(citation omitted); *Perez v. Berg*, No. 25-cv-494, 2025 WL 2531566, at *2 (D. Neb. July 24, 2025)("The Court notes that the government itself charged Petitioner as an alien present in the United States who has not been admitted or paroled rather than an arriving alien.")(quotation omitted).

Countless courts have uniformly rejected the Government's expansive interpretation of section 1225. See e.g., *Gil-Paulino v. Sec'y of the US Dep't of Homeland Sec.*, 25-cv-24292, DE 41, (S.D. Fla. Oct. 10, 2025) (respondent's interpretation of the INA "directly contravenes the statutes" and "disregards decades of settled precedent"); see also *Pizarro Reyes*, 2025 WL 2609425, at *7 ("Finally, the BIA's decision to pivot from three decades of consistent statutory interpretation and call for Pizarro Reyes' detention under section 1225(b)(2)(A) is at odds with every District Court that has been confronted with the same questions of statutory interpretation.") *Puga*, No. 25-24535, 2025 WL 2938369, at *3-6; *Merino v. Ripa*, No. 25-23845, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Harsh Patel v. Crowley*, No. 25-11180, 2025 U.S. Dist. LEXIS 209958, at *9-12 (N.D. Ill. Oct. 24, 2024); *Esquivel-Ipina v. Larose*, No. 25-cv-2672, 2025 U.S. Dist. LEXIS 210275, at *9-12 (C.D. Cal. Oct. 24, 2025); *Carmona v. Noem*, No. 25-cv-1131, 2025 U.S. Dist. LEXIS 209629, at *14-17 (W.D. Mich. Oct. 24, 2025); *Lopez v. Hyde*, 25-12680, 2025 U.S. Dist. LEXIS 209916, at *4-5 (D. Mass. Oct. 24, 2025); *Guerra v. Joyce*, No. 25-cv-00534, 2025 WL 2986316, at *3 (D. Me. Oct. 23, 2025); *Lomeau v. Soto*, 25-cv-16589, 2025 WL 2981296, at *7-8 (D.N.J. Oct. 23, 2025); *Maldonado v. Cabezas*, No. 25-13004, 2025 WL 2985256, at *4 (D.N.J. Oct. 23, 2025); *Aparicio v. Noem*, 2025 U.S. Dist. LEXIS 208898, at *12-13 (D. Nev. Oct. 23, 2025); *Loa Caballero v. Baltazar*, No. 25-cv-03120, 2025 WL 2977650, at *5-6 (D. Colo. Oct. 22, 2025).

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF – Violation of Fifth Amendment Procedural Due Process

39. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

40. Petitioner Mr. Brito Sajic has been subjected to prolonged civil immigration detention without a meaningful and individualized bond hearing, in violation of the Due Process Clause of the Fifth Amendment. Although Petitioner filed a motion for bond, the Immigration Court denied jurisdiction pursuant to *Matter of Yajure-Hurtado*, thereby refusing to conduct any individualized assessment of whether Petitioner's continued detention is justified under INA § 236(a). The absence of a meaningful custody determination renders Petitioner's detention unconstitutional.

SECOND CLAIM FOR RELIEF – Violation of Fifth Amendment Substantive Due Process

41. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
42. Petitioner's continued detention is excessive, arbitrary, and punitive in effect, and bears no reasonable relationship to any legitimate governmental purpose. Immigration detention is civil in nature, yet Respondents have imposed prolonged confinement without individualized justification, in violation of Petitioner's substantive due process rights under the Fifth Amendment.

THIRD CLAIM FOR RELIEF – Unlawful Detention Beyond Statutory Authority

43. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
44. Respondents lack statutory authority to detain Petitioner under INA §§ 1225(b)(1), 1226(c), and 1231. Petitioner's detention is governed, if at all, by INA § 236(a), which requires an individualized custody determination and eligibility for release on bond. By continuing to detain Petitioner without providing such a determination, Respondents are acting beyond their statutory authority and in violation of federal law.

FOURTH CLAIM FOR RELIEF – Arbitrary and Unreasonable Detention

45. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

46. Petitioner's continued detention is arbitrary and unreasonable, lacking any individualized finding of flight risk or danger to the community. Such detention violates fundamental principles of due process and exceeds the bounds of lawful civil confinement.

FIFTH CLAIM FOR RELIEF – Violation of the INA: Request for Relief Pursuant to *Maldonado Bautista*.

47. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

48. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release under 8 USC section 1226(a).

49. The order granting summary judgment in *Maldonado Bautista* holds that Respondents violated the INA in applying the mandatory detention statute at section 1225(b)(2) to class members.

50. 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.”

51. Respondents are parties to *Maldonado Bautista* and bound by the Court's judgment.

52. By asserting that the Petitioner is subject to mandatory detention under section 1225(b)(2), Respondent violated Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

53. On **November 20, 2025**, the district court granted partial summary judgment in favor of the named plaintiffs, and on **November 25, 2025**, certified a nationwide class and extended declaratory relief to the certified class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment); *id.* at *9 (order certifying the proposed nationwide Bond Eligible Class and extending declaratory relief). The court determined that members of the Bond Eligible Class are detained under 8 U.S.C. § 1226(a), and therefore may not be denied consideration for release on bond under 8 U.S.C. § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 9861, at *11. On **December 18, 2025**, the court entered final judgment granting classwide declaratory relief consistent with its prior orders.

54. Following his apprehension, Mr. Brito Sajic was placed in removal proceedings pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for entry without inspection. Respondents are bound by the judgment issued in *Maldonado Bautista*.
55. However, Petitioner has not received the bond consideration to which he is entitled as a member of the Bond Eligible Class and remains detained without an individualized custody determination as required by law.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Mr. Brito Sajic respectfully requests that this Honorable Court:

1. Exercise jurisdiction over this Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2241;
2. Declare that Respondents' continued detention of Petitioner without a meaningful and individualized bond hearing violates the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act;
3. Order Respondents to immediately release Petitioner from DHS custody;
4. Order Respondents to cease detaining Petitioner in violation of the Constitution and laws of the United States;
5. Retain jurisdiction to ensure compliance with the Court's order; and
6. Grant such other and further relief as the Court deems just and proper.

EXHIBITS

- **Exhibit 1** – Copy of the Notice to Appear (“NTA”);
- **Exhibit 2** – Copy of Petitioner’s passport;
- **Exhibit 3** – Copies of documents evidencing Petitioner’s long-term residence, business ownership, and community ties in the United States.
- **Exhibit 4** – Copy of documentation evidencing Petitioner’s pending U Visa petition (Form I-918), including law enforcement certification, biometrics notice, and employment authorization application.
- **Exhibit 5** – Copy of Petitioner’s Florida-issued temporary driving permit.
- **Exhibit 6** – Copy of Petitioner’s Motion for Bond

- **Exhibit 7** – Copy of the Immigration Judge’s Order dated January 2, 2026, denying bond.

Dated: February 6, 2026

Respectfully submitted,

MAGDALENA CUPRYS
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Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of *Habeas Corpus* are true and correct to the best of my knowledge, information, and belief.

Juan Brito Sasic

x J.B.S

Signature Petitioner

Dated: January 19, 2026

A handwritten signature in black ink, appearing to read 'Juan Brito Sasic', written in a cursive style.