UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOSE EDUARDO ARGUETA-SANCHEZ, Petitioner, v. KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; TODD LYONS, Acting Director of ICE; JOSH JOHNSON, Director of the ICE Dallas Field Office; and JOHN DOE, Warden at Prairieland Detention Center; all in their official capacities. Respondents.	)	Case No. PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging Petitioner's prolonged mandatory immigration detention without an individualized bond hearing.

2. Petitioner is an immigrant currently detained at the Prairieland Detention Center pursuant to 8 U.S.C. § 1226(c). An Immigration Judge denied Petitioner a bond hearing based on *Matter of Yahure Hurtado*, 29 I&N 216 (BIA

2025) concluding that detention was mandatory and that the immigration court lacked authority to consider release.[1]

3. Although the Fifth Circuit recently held in *Buenrostro-Mendez v. Bondi*, No. 25-20496 (5th Cir. Feb. 6, 2025), that the Immigration and Nationality Act ("INA") permits mandatory detention as a matter of statutory interpretation, that decision does not resolve — and cannot foreclose — Petitioner's independent constitutional claim.

4. Even where Congress authorizes detention, the Due Process Clause of the Fifth Amendment imposes constitutional limits. Detention that is prolonged, automatic, and unaccompanied by an individualized determination of flight risk or danger violates substantive and procedural due process.

5. Because Petitioner has been detained since October 8, 2025 and is currently poised to be detained for many more months if not years, without a meaningful opportunity to seek release, continued detention is unconstitutional. This Court should order either his immediate release or, alternatively, an

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[1] Petitioner contends that *Hurtado* is ultra vires of the Board's delegated authority as it effectively rewrites Attorney General custody regulations, without rulemaking, converting a narrow, regulation-based "arriving alien" bond bar into a sweeping prohibition for virtually all noncitizens charged as present without admission. Compare 8 C.F.R. §§ 1236.1(d)(1), 1003.19(h)(2)(i)(B) (IJ bond jurisdiction before a final order; categorical bar limited to "arriving aliens" and other enumerated classes) with 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (final interim rule explaining that "inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge").

individualized bond hearing before a neutral decision-maker, at which the Government bears the burden of justifying continued detention.

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241, because Petitioner is in federal custody within this District and challenges the legality of that custody.

7. The Court also has jurisdiction under 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States.

8. Federal district courts have jurisdiction to hear habeas corpus claims brought by noncitizens challenging the lawfulness of their immigration detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over challenges to immigration detention); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001) (same). That jurisdiction extends to claims alleging that detention exceeds statutory authority, violates constitutional guarantees, or results from agency action that is arbitrary, capricious, or contrary to law.

9. Although certain provisions of the INA limit judicial review of discretionary custody determinations, see 8 U.S.C. § 1226(e), those provisions do not preclude habeas review of constitutional claims, questions of law, or challenges to the legal basis for detention itself. Petitioner does not ask this Court to review or second-guess any discretionary bond decision. Rather, he challenges Respondents' authority to continue detaining Petitioner without any individualized custody

determination, the constitutionality of prolonged detention without meaningful review, and the lawfulness of DHS's blanket detention policy under the Administrative Procedure Act.

10. Venue is proper in the Southern District of Texas because Petitioner is detained within this District and Respondents exercise custody here.

11. Venue is also proper pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, and agencies of the United States acting in their official capacities, and because a substantial part of the events and omissions giving rise to Petitioner's claims occurred within the Northern District of Texas.

PARTIES

12. Petitioner JOSE EDUARDO ARGUETA-SANCHEZ, is an immigrant currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Prairieland Detention Center.

13. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"). Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent is a legal custodian of Petitioner.

14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). In this capacity, Respondent is a legal custodian of Petitioner and possesses authority over ICE detention policies, including the authority to release Petitioner from custody. He is sued in his official capacity.

15. Josh Johnson is sued in his official capacity as Director of ICE's Enforcement and Removal Operations for the Dallas Field Office. As such, Respondent is responsible for overseeing Petitioner's detention and custody within the Dallas area and exercises authority over Petitioner's continued confinement. He is a legal custodian of Petitioner.

16. Respondent John Doe is employed by ICE as the Warden or supervisor of the Prairieland Detention Center, where Petitioner is currently detained. Respondent John Doe has immediate physical custody of Petitioner and is sued in his or her official capacity.

FACTUAL BACKGROUND

17. Petitioner is a long time resident of the United States, and the father of a U.S. Citizen. He has paid his taxes, has no criminal record, has gone through proper legal channels by applying for asylum and has a history of cooperating with ICE check-in requirements.

18. Petitioner was born in and is a citizen of Honduras. He entered the United States on September 10, 2017 seeking asylum after [redacted]. His asylum petition was denied on May 16, 2025 but the Petitioner filed a timely appeal on May 19, 2025. While at an ICE Check-In, on October 8, 2025, Petitioner was detained by ICE.

19. Since October 8, 2925, Petitioner has been held in ICE custody with no end in sight. Currently there are no briefs due or hearings scheduled for his appeal. (Attached here as Exhibit 1 is the EOIR automated case information) According to published Department of Justice data, as of fiscal year 2025, there was a backlog of more than 200,000 appeals, meaning it will likely be years before Petitioner's appeal is decided. (EOIR statistics are attached here as Exhibit 2)

20. On February 3, 2026, Petitioner requested a bond hearing before the Immigration Court. (A copy of the Bond Motion is attached here as Exhibit 3)

21. The Immigration Judge denied the request on February 5, 2026, relying on *Matter of Yajure Hurtado*, concluding that Petitioner was statutorily ineligible for bond and that the court lacked authority to consider release. (A copy of the Bond Order is attached here as Exhibit 4)

22. Petitioner has exhausted all available administrative remedies, and no further administrative relief is available or required. Petitioner affirmatively sought an individualized custody redetermination before the Immigration Court. The

Immigration Judge denied the request solely on jurisdictional grounds. Therefore, Petitioner has no administrative mechanism through which to challenge the legality, duration, or necessity of his detention. The Board of Immigration Appeals likewise lacks jurisdiction to review custody determinations where no bond hearing may be held.

23. Further administrative exhaustion would be futile. On or about January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges to treat the BIA's decision in *Matter of Yajure Hurtado* as binding precedent. Under these circumstances, no administrative body within EOIR has authority to provide the relief sought.

24. DHS's discretionary parole authority does not constitute an available or adequate administrative remedy that must be exhausted prior to habeas review. Parole decisions are committed to agency discretion, are not subject to neutral adjudication, and provide no mechanism for Petitioner to challenge the legality of his detention. Courts have consistently held that discretionary parole is not an exhaustion prerequisite to *habeas corpus* relief.

25. Thus Petitioner has been categorically denied access to any administrative custody review, and no adequate alternative remedy exists. A writ of *habeas corpus* is the sole avenue to vindicate Petitioner's constitutional, statutory, and regulatory rights and to restore his liberty.

LEGAL STANDARD

26. Immigration detention is civil, not punitive, and may be justified only insofar as it reasonably serves legitimate governmental purposes such as ensuring appearance or protecting the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). Even where Congress authorizes detention, courts must independently assess whether the duration and conditions of detention remain constitutionally permissible.

27. *Hurtado* dealt with statutory interpretation, endorsing the government's new reading of a decades-old law as it applied to immigration bonds. The longstanding practice generally differentiated between undocumented immigrants detained within the United States and "arriving aliens." The former came under section 236(a) of the INA, 8 U.S.C.A. § 1226(a), and therefore were eligible for a bond determination, while the latter came under the mandatory detention provisions of section 235 of the INA, 8 U.S.C.A. § 1225. *Hurtado* held that aliens who entered without inspection, regardless of how long they resided within the United States before apprehension could be classified as "arriving aliens" and subject to mandatory detention.

28. The overwhelming majority of federal courts reviewed the issue, determined that *Hurtado* was wrongly decided and that the "arriving aliens" bond statute, 8 USCS § 1225 (b)(2)(A), either does not or likely does not broadly apply

to aliens already present within the United States. *See e.g. Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) *Luna Quispe*, 2025 U.S. Dist. LEXIS 194070, 2025 WL 2783799, at *5; *Guerrero Orellana v. Moniz*, 25-cv-12664, 2025 U.S. Dist. LEXIS 196282, 2025 WL 2809996, at *6 (D. Mass. Oct. 3, 2025); *Chanaguano Caiza v. Scott*, 25-cv-00500, 2025 U.S. Dist. LEXIS 195270, 2025 WL 2806416, at *3 (D. Me. Oct. 2, 2025); *D.S. v. Bondi*, 25-cv-3682, 2025 U.S. Dist. LEXIS 194262, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025); *Rodriguez Vazquez v. Bostock*, No. 25-cv-05240, 2025 U.S. Dist. LEXIS 193611, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025); *J.U. v. Maldonado*, 25-CV-04836, 2025 U.S. Dist. LEXIS 191630, 2025 WL 2772765, at *5 (E.D.N.Y. Sept. 29, 2025); *Rivera Zumba v. Bondi*, No. 25-cv-14626, 2025 U.S. Dist. LEXIS 190052, 2025 WL 2753496, at *7 (D.N.J. Sept. 26, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 U.S. Dist. LEXIS 188368, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Lepe v. Andrews*, No. 25-cv-01163, 2025 U.S. Dist. LEXIS 187233, 2025 WL 2716910, at *9 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048, 2025 U.S. Dist. LEXIS 188085, 2025 WL 2712427, at *5 (N.D. Iowa Sept. 23, 2025); *Singh v. Lewis*, No. 25-cv-96, 2025 U.S. Dist. LEXIS 185696, 2025 WL 2699219, at *3 (W.D. Ky. Sept. 22, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 U.S. Dist. LEXIS 181837, 2025 WL 2650637, at *7-8 (N.D. Cal. Sept.

16, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326, 2025 U.S. Dist. LEXIS 176165, 2025 WL 2639390, at *10 (D.N.H. Sept. 8, 2025); *Lopez-Campos v. Raycraft*, No. 25-cv-12486, 2025 U.S. Dist. LEXIS 169423, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025); *Arrazola-Gonzalez v. Noem*, No. 25-cv-01789, 2025 U.S. Dist. LEXIS 158808, 2025 WL 2379285, at *2 (C.D. Cal. Aug. 15, 2025); *Anicasio v. Kramer*, 25CV3158, 2025 U.S. Dist. LEXIS 157236, 2025 WL 2374224, at *2 (D. Neb. Aug. 14, 2025); *Lopez Benitez v. Francis*, No. Civ. 5937, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at *3 (S.D.N.Y. Aug. 13, 2025); *Rosado v. Figueroa*, No. CV 25-02157, 2025 U.S. Dist. LEXIS 156344, 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025).

29. On February 6, 2026 the Fifth Circuit Court of Appeals issued a 2-1 decision adopting the extreme minority position in favor of the government's new interpretation of the INA. *Buenrostro-Mendez v. Bondi*, 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026). However, the panel in *Buenrostro-Mendez* addressed only the statutory interpretation dispute and reversed the district courts solely because they had granted bond hearings as a matter of statutory entitlement under § 1226(a). The panel had no occasion to consider due process challenges to prolonged or indefinite mandatory detention without any individualized hearing, nor did it address claims under the Administrative Procedure Act, or the Suspension Clause.

30. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), similarly held that there is no statutory right to periodic bond hearings under §§ 1225(b), 1226(a), or 1226(c), but it explicitly remanded for the lower courts to consider constitutional arguments in the first instance. *Id.* at 302–03. The Fifth Circuit's statutory holding in *Buenrostro-Mendez* leaves those constitutional questions open, just as *Jennings* did.

31. *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Demore v. Kim*, 538 U.S. 510 (2003), also proceeded through § 2241 *habeas* and underscore that civil immigration detention must remain tethered to lawful purposes and must satisfy due process.

32. Notably, other district courts in Texas have continued to grant immigration *habeas* petitions, where bonds were denied on *Hurtado* grounds, post *Buenrostro-Mendez,* based upon due process grounds. *Marceau v. Noem*, 26-CV-237 (W.D. Tex. Feb. 9, 2026) ("*Buenrostro-Mendez* has no bearing on this Court's determination of whether Marceau is being detained in violation of her constitutional right to procedural due process.") (Attached here as Exhibit 3) ("*Buenrosto-Mendez* does not change this case's outcome on procedural due process grounds.") *Hassen v. Noem*, 26-CV-00048 (W.D. Tex. Feb. 9, 2026) (Attached here as Exhibit 4)

33. Even accepting the Fifth Circuit's interpretation that § 1225(b)(2)(A) mandates detention and provides no statutory bond hearing, Petitioner's ongoing and potentially indefinite detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment as applied to him.

34. Civil immigration detention is permissible only to the extent it serves the statutory purposes of ensuring appearance at proceedings and protecting the community from danger. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). When detention becomes prolonged or indefinite and is no longer tied to those purposes, it becomes punitive and unconstitutional. *Id.*

35. Although Petitioner's detention is currently approximately four months old, since October 8, 2025, his pending asylum will likely take years to complete, given the current backlogs. Absent any mechanism for individualized review, Petitioner faces a substantial risk of indefinite detention under penal conditions despite having no criminal history, demonstrated compliance, and no individualized finding of danger or flight risk.

36. Numerous district courts, including within the Fifth Circuit, have held post-*Jennings* that due process requires an individualized bond hearing, with the government bearing the burden of proof by clear and convincing evidence, when

mandatory detention under §§ 1225(b) or 1226(c) becomes prolonged. While the Fifth Circuit has not adopted a bright line rule, district courts in this Circuit and others commonly find six months presumptively unreasonable absent individualized justification.

37. The constitutional concerns are heightened here because the government's new interpretation—upheld in *Buenrostro-Mendez*—extends mandatory detention without bond or hearing to noncitizens who have lived openly in the United States for significant periods, here, over nine years. Traditional "arriving alien" detention under § 1225(b) historically applied to those apprehended at or near the border or port of entry, where detention was typically brief pending expedited processing. Extending it to individuals such as the Petitioner, raises far graver liberty interests than the brief detention upheld in *Demore* contemplated for true arriving aliens.

CLAIM FOR RELIEF

COUNT I
Violation of Fifth Amendment Right to Due Process

38. The allegations in the above paragraphs are re-alleged and incorporated herein.

39. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976) the Court must weigh: (a) the private interest affected by official action; (b) the risk of erroneous deprivation under existing procedures; and (c) the Government's interest.

40. Petitioner's interest in freedom from physical restraint is fundamental, while the risk of erroneous deprivation is substantial where detention is automatic and no hearing is permitted.

41. Requiring an individualized bond hearing would impose minimal administrative burden and directly advance the Government's legitimate interests.

42. Due process therefore requires an individualized bond hearing at which the Government bears the burden of demonstrating that continued detention is necessary to prevent flight or danger.

43. Petitioner's civil detention is likely to continue for many additional months or years. Absent any mechanism for individualized review, Petitioner faces a substantial risk of prolonged or indefinite detention under penal-like conditions without any finding that his confinement is necessary to serve the government's legitimate interests.

44. The constitutional infirmity here is not merely the length of detention but the complete absence of any meaningful custody process. Petitioner is detained pursuant to a regime in which: (a) No immigration judge may conduct a bond hearing; (b) DHS is not required to justify continued detention with evidence; and (c) No neutral decisionmaker is empowered to order release, regardless of the Petitioner's lack of danger or flight risk.

45. This categorical denial of any individualized custody determination violates procedural due process. Fundamental fairness requires, at a minimum, a meaningful opportunity to be heard before a neutral adjudicator when the government restrains physical liberty for a prolonged period. *Zadvydas*, 533 U.S. at 690; *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)

COUNT II

Violation of the Administrative Procedures Act

46. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

47. The Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2), requires courts to "hold unlawful and set aside" agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. An agency acts arbitrarily and capriciously when it fails to examine relevant factors, ignores important aspects of the problem, departs from settled practice without reasoned explanation, or treats discretion as categorically unavailable where Congress has not so provided. *Judulang v. Holder*, 565 U.S. 42, 53–55 (2011).

48. Petitioner does not challenge the Fifth Circuit's statutory holding in *Buenrostro-Mendez v. Bondi*, Nos. 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026), regarding immigration-judge bond jurisdiction. Rather, Petitioner challenges DHS's independent agency action in implementing and applying a blanket

detention policy that treats *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as eliminating all meaningful individualized custody discretion and review.

49. The Department of Homeland Security has acted arbitrarily and capriciously by continuing to detain Petitioner without any individualized custody assessment or reasoned explanation. Petitioner has no criminal convictions, has no pending criminal charges, has not engaged in violence or dangerous behavior, and has cooperated with immigration authorities.

50. Despite these facts, DHS has maintained Petitioner's detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate why release under supervision, bond, or other alternatives would be insufficient.

51. DHS's reliance on *Matter of Yajure Hurtado* to justify continued detention is arbitrary and contrary to law. *Yajure Hurtado* addresses the jurisdiction of Immigration Judges to conduct bond hearings. It does not compel DHS to detain noncitizens indefinitely, nor does it eliminate DHS's longstanding discretionary authority to release noncitizens on parole, recognizance, supervision, or bond.

52. By treating *Hurtado* as an absolute bar to any form of individualized custody consideration, DHS has unlawfully transformed a discretionary detention

framework into a blanket detention rule, substituting categorical inaction for the case-by-case decision making required by the INA and the APA.

53. DHS has also failed to provide a reasoned explanation for its abrupt departure from decades of settled administrative practice (1997–2025), during which noncitizens in Petitioner's posture routinely received individualized custody determinations and were considered for release under supervision or bond. Such an unexplained reversal of course is arbitrary and capricious under the APA. *Judulang*, 565 U.S. at 55.

54. Civil immigration detention is statutorily limited to non-punitive purposes— ensuring appearance at proceedings and protecting public safety. DHS's continued detention of Petitioner, without individualized justification and without consideration of alternatives, does not advance either purpose and therefore exceeds lawful agency discretion.

55. *Habeas* relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct DHS to conduct a prompt, individualized, and reasoned custody determination consistent with the Administrative Procedure Act, the Immigration and Nationality Act, and governing constitutional principles.

COUNT III
Violation of the Suspension Clause

56. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

57. The Suspension Clause of the United States Constitution provides that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the lawfulness of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008).

58. *Habeas corpus* remains available to all persons in the United States who are detained by executive authority, including noncitizens in civil immigration custody. The Supreme Court has repeatedly held that Congress—and *a fortiori* the Executive—may not eliminate all avenues of meaningful judicial review of the legality of detention. *Boumediene*, 553 U.S. at 779.

59. Petitioner is detained solely under civil immigration authority. He has no criminal convictions, no pending criminal charges, and his appeal remains pending. The Immigration Judge categorically denied jurisdiction to consider bond or conduct any individualized custody determination, relying exclusively on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

60. Because the Immigration Judge concluded that he lacked jurisdiction, Petitioner has no administrative pathway to challenge the legality, duration, or

necessity of his detention. The Board of Immigration Appeals likewise lacks jurisdiction to review custody determinations in which no bond hearing can be held. ICE has also declined to provide any individualized parole or custody assessment.

61. As a result, no adequate or effective substitute for *habeas corpus* exists through which Petitioner may obtain judicial review of the legality of his confinement. Neither the Immigration Courts nor the Board of Immigration Appeals possesses jurisdiction to review custody challenges arising from DHS's classification decisions.

62. The Suspension Clause forbids the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 ("The writ must be effective."). The Clause prohibits Congress from stripping courts of habeas jurisdiction without providing an adequate and effective substitute. *INS v. St. Cyr*, 533 U.S. 289 (2001); *Boumediene v. Bush*, 553 U.S. 723 (2008).

63. Petitioner's detention—prolonged, non-punitive in name but punitive in effect, and wholly insulated from individualized review—implicates the core protections of the Suspension Clause. Without *habeas corpus*, Petitioner has no judicial or administrative forum in which to contest the legality of his ongoing confinement.

64. Petitioner respectfully requests that this Court grant the writ and order Petitioner's immediate release from ICE custody or, in the alternative, direct Respondents to provide a prompt, meaningful, and individualized custody determination before a neutral decisionmaker with authority to order release.

COUNT IV
Preservation of Violation of INA Claim

65. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

66. To preserve the statutory issue for possible en banc review or *certiorari*, Petitioner alleges he is entitled to consideration for release on bond under 8 U.S.C. § 1226(a), and that by denying Petitioner a bond hearing and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this *habeas corpus* action;

2. Issue an order to show cause directing Respondents to promptly file a return;

3. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of this action, absent further order of the Court;

4. Declare that Petitioner's continued detention violates the Constitution and laws of the United States;

5. Grant the writ of habeas corpus and order Petitioner's immediate release from ICE custody; OR in the alternative, order Respondents to provide Petitioner with a prompt, constitutionally adequate, and individualized custody determination before a neutral decisionmaker with actual authority to order release, at which the government bears the burden of proving—by clear and convincing evidence—that continued detention is necessary to serve a legitimate governmental purpose and that no less restrictive conditions of supervision would suffice;

6. Award Petitioner his costs and reasonable attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority;

7. Grant any other further relief this Court deems just and proper.

Respectfully submitted

This 12th of February, 2026

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

I represent Petitioner, JOSE EDUARDO ARGUETA-SANCHEZ, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 12th day of February, 2026.

/s/ Russell W. Johnson
Russell W. Johnson
(Pro Hac Vice Admission Pending)