UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

EDUARDO LOPEZ MALDONADO
(A [redacted]

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General;

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

TODD M. LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

KIRSTEN SULLIVAN, in her official capacity as Field Office Director of Atlanta Field Office, U.S. Immigration and Customs Enforcement; and

MICHAEL BRECKON, in his official capacity as warden of the Folkston ICE Processing Center

Respondents.

Case No. 26-cv-_____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Eduardo Lopez Maldonado, a native and citizen of Mexico, petitions this Court for a Writ of Habeas under 28 U.S.C. § 2241 to challenge his continued custodial detention by the United States Department of Homeland Security, through its component arm, U.S. Immigration and Customs Enforcement ("ICE").

2. On January 28, 2026, an Immigration Judge sitting in the Atlanta Immigration Court denied Petitioner's request for a bond and custody redetermination hearing, finding a lack of jurisdiction under *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). *See* Exhibit A.

3. Petitioner's continued detention by Respondents without any mechanism to challenge his unlawful confinement violates the Due Process Clause of the Fifth Amendment to the United States Constitution and presents a federal question under 28 U.S.C. § 1331 though the Immigration and Nationality Act ("INA"), (8 U.S.C. § 1101 *et seq.*). Respondent seeks declaratory and injunctive relief under 28 U.S.C. § 1331 in conjunction with 28 U.S.C. § 2201, in the form of an order from this Court requiring his immediate release or, alternatively, a bond hearing before a neutral and impartial immigration judge.

JURISDICTION AND VENUE

4. Petitioner is detained in the Folkston ICE Processing Center in Folkston, Georgia, which is within the jurisdiction of the United States District Court for the Southern District of Georgia.

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 ("habeas corpus"), 28 U.S.C. § 1651 ("All Writs Act"), 28 U.S.C. § 1331 ("federal question"), the INA, and U.S. CONST. amend. V (the "Due Process Clause").

6. This Court has jurisdiction to adjudicate habeas corpus claims brought by foreign nationals who challenge the legality of their detention by U.S. immigration officials. *See Reno v. Flores*, 507 U.S. 292, 307 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings."); *see also Djadju v. Vega*, 32 F.4th 1102, 1105-06 (11th Cir. 2022) ("Although our jurisdiction to

consider challenges under § 2241 to an alien's detention is limited, we have jurisdiction to address a challenge to the legal basis of the detention, including constitutional challenges.") (citing *Madu v. U.S. Att'y Gen.*, 470 F.3d 1362, 1368 (11th Cir. 2006)).

7. Title 8 U.S.C. § 1252(g) does not operate as a jurisdictional bar because that statute does not apply to actions taken to detain foreign nationals. *See Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) ("Section 1252(g) 'applies only to three discrete actions,' i.e. commencement of removal proceedings, adjudication of removal cases, and execution of removal orders").

8. Title 8 U.S.C. § 1252(b)(9), does not preclude jurisdiction because that statute applies to review of removal orders and not to detention decisions made prior to the issuance of a removal order. *See Demore v. Kim*, 538 U.S. 510, 517 (2003) ("'where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear.'") (quoting *Webster v. Doe*, 486 U.S. 592, 603 (1988)).

EXHAUSTION

9. A petitioner seeking habeas corpus under 28 U.S.C. § 2241 need not exhaust administrative remedies because the statute does not require exhaustion. *Compare* 28 U.S.C. § 2241 *with* 28 U.S.C. § 2254(b)(1)(A); *see McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) ("where Congress has not clearly required exhaustion, sound judicial discretion governs.") (citation omitted); *Stephens v. Lindsey*, 304 F. Supp. 203, 205 (S.D. Ga. 1969) (holding that failure to exhaust did not deprive the court of jurisdiction to adjudicate a habeas corpus petition under 28 U.S.C. § 2241).

10. Assuming the existence of an exhaustion requirement, Petitioner exhausted administrative remedies. He requested a custody and bond redetermination hearing before

the Immigration Court. On January 28, 2026, an immigration judge declined to consider his request, citing *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), to find that he lacked authority to do so. *See* Exhibit A.

11. The usual method of exhaustion through the Board of Immigration Appeals ("the Board") would be futile as it is extremely unlikely that the Board will reverse the decision that it issued in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). "A district court may excuse the failure to exhaust if resorting to an available administrative scheme would be futile or the remedy inadequate . . . or where a claimant is denied meaningful access to the administrative review scheme in place." *Bolton v. Inland Fresh Seafood Corp. of Am., Inc.*, 155 F.4th 1272, 1282 (11th Cir. 2025) (internal quotations omitted) (alteration in original). The Court should therefore waive the prudential exhaustion requirement.

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court should grant the petition for writ of habeas corpus or issue an order to show cause to the Respondents forthwith, unless Petitioner is not entitled to relief. *See* 28 U.S.C. § 2243. If an order to show cause is issued, the Court should require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

PARTIES

13. Petitioner is a native and citizen of Mexico and is now detained by Respondents at the Folkston ICE Processing Center in Folkston, Georgia. He is in custody and under the direct control of Respondents and their agents.

14. Respondent Michael Breckon is sued in his official capacity as the Warden of the Folkston ICE Processing Center in Folkston, Georgia. Respondent Breckon has immediate physical custody of Petitioner and has the authority to release him from custody.

15. Respondent Kristen Sullivan is sued in her official capacity as Field Office Director of the Georgia Field Office, U.S. Immigration and Customs Enforcement and supervises and oversees Respondent Breckon.

16. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement and supervises and oversees Respondent Sullivan.

17. Respondent Kristi Noem is sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Respondent Kristi Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency directly responsible for Petitioner's detention. *See* 8 U.S.C. § 1103(a). Respondent Kristi Noem is a legal custodian of Petitioner.

18. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. The Attorney General oversees the Executive Office for Immigration Review and, within the Executive Branch, is the arbiter of all questions of law pertaining to the Immigration and Nationality Act. *See* 8 U.S.C. § 1103(a)(1), 1103(g).

STATEMENT OF FACTS

19. Petitioner is a native and citizen of Mexico. He entered the United States in 2004 without inspection, admission, or parole by an immigration officer.

20. Petitioner had no interaction with U.S. immigration officials until December 31, 2025, when immigration officers stopped him in Maryland while he was driving to work. It is not clear why the officers stopped the vehicle or how immigration officers had reasonable suspicion to do so. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975) (to stop an individual for brief questioning about immigration status, the Government must have reasonable suspicion that the individual is illegally present in the United States).

21. Immigration officers also served Petitioner with a Notice to Appear ("NTA") in immigration court to defend against the charges that he was (i) present in the United States without having been admitted or paroled (8 U.S.C. § 1182(a)(6)(A)(i), and (ii) an applicant for admission without a valid entry document (8 U.S.C. § 1182(a)(7)(A)(i)(I)). *See* Exhibit B. (Notice to Appear).

22. Last year, the Board of Immigration Appeals issued a precedential decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). That decision assets that immigration judges lack jurisdiction to hold bond hearings for foreign nationals who are present in the United Staes without admission. *See id.* at 220. It bears noting that the Board issued *Yajure Hurtado* just two months after the Department of Homeland Security, through its Acting Director of U.S. Immigration and Customs Enforcement, "revisited" the Executive Branch's decades-old position that 8 U.S.C. § 1226(a) applies to foreign nationals who have crossed the border and are apprehended in the interior of the United States. *See Martinez v. Hyde*, 792 F. Supp. 3d 211, 217-218 (D. Mass. 2025).

23. Petitioner has been in immigration custody since December 31, 2025.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act, 8 U.S.C. §§ 1225(b) and 1226(a)

24. Petitioner incorporates and realleges all paragraphs as if fully set forth here.

25. Respondents' theory that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b) rests on their mistaken recent reinterpretation of the INA's detention provisions at 8 U.S.C. §§ 1225(b)(2)(A) and 1226(a). Several reasons demonstrate the incorrectness of the Respondents' reinterpretation of these statutes.

26. First, the plain language of the INA's pre-removal order detention statutes dictate that Petitioner is not properly detained under § 1225(b)(2). Section 1225(b)(2) "applies where an arriving alien is 'seeking admission' into the United States, and that provision mandates detention for aliens who are 'applicants for admission.'" *Antonio Aguirre Villa v. Normand*, 2025 U.S. Dist. LEXIS 217348, at *13 (S.D. Ga. Nov. 4, 2025) (quoting 8 U.S.C. § 1225(b)(2)(A)). Petitioner entered the United States in 2004. He cannot be said to be "arriving," nor can he be said to be "seeking" admission. *See id.* at *18 ("The expression 'alien seeking admission' plainly describes individual taking some action, and, given the placement in the statute, that action would likely occur at the border upon inspection.") (citations omitted).

27. This understanding of § 1225(b) is consistent with *Jennings v. Rodriguez*, where the Supreme Court instructed that 8 U.S.C. § 1225(b) "applies primarily to aliens seeking entry into the United States ('applicants for admission' in the language of the statute)." 583 U.S. 281, 297 (2018).

28. In contrast, section 1226 has historically "authorize[d] the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings[.]" *Jennings*,

583 U.S. at 289 (emphasis and alteration added). "Section 1226(a) creates a default rule for those aliens by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings." *Id.* at 303. "Section 1226(a) also permits the Attorney General to release those aliens on bond . . ." *Id.*

29. In short, the plain language of the statute makes clear that the Respondents' detention authority would fall under § 1226(a). *See Jennings*, 583 U.S. at 289.

30. Second, the Respondents' reinterpretation of §§ 1225(b)(2)(A) and 1226(a) is contrary to the recent legislative history of the INA. It is settled that a "statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant . . . ." *Hibbs v. Winn*, 542 U.S. 88, 101 (2004) (internal quotations omitted)). In January 2025, Congress passed the Laken Riley Act, "amending § 1226(c) to add a category of noncitizens subject to mandatory detention." *Aguirre Villa*, 2025 U.S. Dist. LEXIS 217348, at *24 (citing Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025)). "This category includes noncitizens who are (1) inadmissible under §§ 1182(6)(A), (6)(C), or (7)(A), and (2) that have been charged with 'burglary, theft, larceny, shoplifting or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person.'" *Id.* (quoting 8 U.S.C. § 1226(c)(1)(E)(ii)). If § 1225(b) already required mandatory detention of all noncitizens who have not been admitted, these provisions of the Laken Riley Act would be "meaningless." *Id.*

31. Third, the Respondents' reinterpretation of the detention provisions "would upend decades of practice. Indeed, mandatory detention for all applicants has only been the official policy of the Department of Homeland Security ("DHS") . . . since July 8, 2025,

when Acting Director of U.S. Immigration and Customs Enforcement, Todd M. Lyons, issued an internal memorandum explaining that the agency had revisited its legal position." *Martinez v. Hyde*, 792 F. Supp. 3d 211, 217-218 (D. Mass. 2025) (internal quotation omitted); *see Paz v. Walker*, 2026 U.S. Dist. LEXIS 5154, at *2 (S.D. Fla. Jan. 12, 2026) (same). The Respondents' nearly three-decade interpretation of the INA's detention provisions should inform the Court as to the correctness of that interpretation. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024).

32. The novelty of the Respondents' new theory of immigration detention is underscored by the conflicting pronouncements of it by the Respondents themselves. In an August 4, 2025, order, the Attorney General determined that foreign nationals arrested in the interior of the United States (other than at a port of entry) are entitled to bond hearings and are detained under 8 U.S.C. § 1226. She did this by designating as precedent "in all proceedings involving the same or similar issues" the Board's decision in *Matter of Akhmedov*, 29 I. & N. Dec. 166 n.1 (BIA 2025).

33. In *Akhmedov*, the Board considered the Department of Homeland Security's appeal of an Immigration Judge's grant of bond to a foreign national arrested in the interior of the United States. *See* 29 I. & N. Dec. at 166, 168. The Board's decision - as adopted by the Attorney General – could hardly be clearer: "The respondent's custody determination is governed by the provisions of section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a) (2018)." *Id.* at 166.

34. Just like the foreign national in *Matter of Akhmedov*, Petitioner was arrested by immigration officers in the interior of the United States. Just like the foreign national in *Matter of Akhmedov*, Petitioner is, at a minimum, entitled to a bond hearing.

35. By statute, the Attorney General's determinations and rulings on all questions of law pertaining to the Immigration and Nationality Act bind the Executive Branch. *See* 8 U.S.C. § 1103(a)(1); see also 8 C.F.R. § 1003.1(d)(1)(i) ("The Board shall be governed by the provisions and limitations prescribed by applicable law, regulations, and procedures, and by decisions of the Attorney General (through review of a decision of the Board, by written order, or by determination and ruling pursuant to section 103 of the Act)."

36. Approximately one month after the Attorney General ordered that *Akhmedov* is binding, the Board of Immigration Appeals issued its decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). In that case, the Board determined that a foreign national who has not been admitted to the United States is not entitled to a bond hearing and is detained under 8 U.S.C. § 1225(b)(2)(A). *See id.* at 220. *Yajure Hurtado* cannot be reconciled with the Attorney General's decision in *Akhmedov* (decided a month earlier) where the Attorney General determined that 8 U.S.C. § 1226(a) governs foreign nationals who enter the United States unlawfully and who immigration officers later encounter. *See Matter of Akhmedov*, 29 I. & N. Dec. at 166.

COUNT TWO

Violation of Fifth Amendment Right to Substantive Due Process

37. Petitioner incorporates and realleges paragraphs 1-23 as if fully set forth here.

38. It is settled that the Fifth Amendment's Due Process Clause applies to all "persons" within the United States. *See Matthews v. Diaz*, 426 U.S. 67, 77 (1976). The guarantee of substantive due process includes "aliens, whether their presence here is lawful, unlawful,

temporary, or permanent.") *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citations omitted).

39. It is equally well settled that freedom from confinement is a core liberty interest and violation of that liberty interest raises a colorable substantive due process claim. S*ee, e.g., Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)); *Reno v. Flores*, 507 U.S. 292, 301 (1993) (collecting cases); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (bodily freedom is the "most elemental of liberty interests")."

40. "[G]overnment detention violates th[e Due Process] Clause unless the detention is ordered in a *criminal* proceeding with adequate procedural protections or, in certain special and 'narrow' nonpunitive 'circumstances' where a special justification . . . outweighs the 'individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (emphasis in original) (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

41. The Court should grant the Habeas Corpus Petition and order Petitioner's immediate release because the Respondents are engaged in an ongoing violation of his right to substantive due process.

COUNT THREE

Violation of Fifth Amendment Right to Procedural Due Process

42. Petitioner incorporates and realleges paragraphs 1-23 as if fully set forth here.

43. Petitioner also has a right to procedural due process. Immigration proceedings are civil and they are intended to be "nonpunitive in purpose and effect." *Zadvydas*, 533 U.S. at 690. Over a century of Supreme Court precedent instructs that the Fifth Amendment

entitles foreign nationals to procedural due process. *See Reno*, 507 U.S. at 306 (citing *The Japanese Immigrant Case*, 189 U.S. 86, (1903).

44. "To determine whether detention violates procedural due process rights, courts apply the three-part test articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976)." *Merino v. Ripa*, 2025 U.S. Dist. LEXIS 206662, at *11 (S.D. Fl. Oct. 15, 2025). "Under Mathews, courts weigh the following three factors: (1) 'the private interest that will be affected by the official action'; (2) 'the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards'; and (3) 'the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.'" *Id.* (quoting *Mathews*, 424 U.S. at 335).

45. First, Petitioner invokes "the most elemental of liberty interests – the interest in being free from physical detention . . ." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

46. Second, the risk of erroneously depriving Petitioner of his freedom is high because an immigration judge denied his bond and custody redetermination request pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

47. Third, any government interest would be protected by the individualized determination of an immigration judge in whether he should be granted bond under § 1226. *See Merino v. Ripa*, 2025 U.S. Dist. LEXIS 206662 at *13 (S.D. Fl. (Oct. 15, 2025) (citing *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) ("the government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by a lesser bond or alternative conditions.").

48. In Petitioner's case, all three *Mathews* factors weigh heavily in favor of holding that the Respondents' refusal to provide him with any process whatsoever violates his right to procedural due process. The Court should grant the petition for a Writ of Habeas Corpus for this reason as well.

COUNT FOUR

Petitioner is a *Maldonada Bautista* Class Member

49. Petitioner incorporates and realleges paragraphs 1-23 as if fully set forth here.

50. In *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.), the United States District Court for the Central District of California certified a nationwide class of noncitizens present 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 (C.D. Cal. July 23, 2025).

51. On November 20, 2025, the Court issued relief to all members of the class stating that their immigration detention authority falls under 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A).

52. On December 18, 2025, the Court entered final judgment certifying the nationwide class and declaring unlawful the policy of categorically detaining individuals who entered without inspection under § 1225(b)(2)(A).

53. Petitioner meets all requirements for *Maldonado Bautista* class membership. He is a foreign national who entered the United States in 2004 and was not intercepted by an immigration official upon entry.

54. Petitioner's membership in the *Maldonado Bautista* class is another independent reason why the Court should grant the habeas petition forthwith. *See* 8 U.S.C. § 2243.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(3) Declare that the Respondents' detention of Petitioner violates the Due Process Clause of the Fifth Amendment and is unlawful under the Immigration and Nationality Act,;

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or, alternatively, order that a neutral and impartial adjudicator conduct a bond hearing pursuant to 8 U.S.C. § 1226(a);

(5) Enjoin Respondents from transferring Petitioner outside of this district; and

(6) Grant any further relief this Court deems just and proper.

[*signature blocks on next page*]

Respectfully submitted,

/s/ Sarah Wilson
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Colombo Hurd
301 E. Pine St., Suite 450
Orlando FL 32801
(407) 478-1111
swilson@colombohurd.com

/s/ Daniel I. Smulow
Daniel I. Smulow
Massachusetts Bar No. 641668
Griffith Immigration Law
300 E. Lombard St., Suite 1030
Baltimore, MD 21202
(410) 244-5005
dsmulow@raygriffithlaw.com

Motion for Admission Pro Hac Vice Forthcoming

Attorneys for Petitioner

Dated: February 13, 2026

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

I represent Petitioner, Eduardo Lopez Maldonado, 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 13 day of February 2026.

/s/ Daniel I. Smulow
Daniel I. Smulow

CERTIFICATE OF SERVICE

I, Daniel I. Smulow, hereby declare that, pursuant to Federal Rule of Civil Procedure 4(i), on February 13, 2026, I directed to be served the following documents in the above-captioned matter by USPS certified mail:

- Petition for Writ of Habeas Corpus;
- Notice of appearance; and
- Civil Cover Sheet

At the following addresses:

Michael Breckon
Warden
Folkston ICE Processing Center
3262 HWY 252 East
Folkston, GA 31537

Kristen Sullivan, Field Office Director
Department of Homeland Security
Immigration and Customs Enforcement ERO
Atlanta Field Office
180 Ted Turner Dr. SW
Suite 522
Atlanta, GA 30303

Todd Lyons, Director
U.S Immigration and Customs Enforcement
500 12th St SW
Washington, DC 20536

Pamela Bondi, Attorney General
Office of the Attorney General
950 Pennsylvania Ave., N.W.
Washington, DC 20530

Kristi Noem, Secretary of Homeland Security
Office of General Counsel
U.S. Department of Homeland Security 277
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

/s/ Daniel I. Smulow
Daniel I. Smulow

Attorney for Petitioner

EXHIBIT A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - TED TURNER DRIVE
IMMIGRATION COURT

Respondent Name:
LOPEZ-MALDONADO, EDUARDO

To:
Griffith, Raymond Orlando
300 E. Lombard Street
Suite 1030
Baltimore, MD 21202

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
01/28/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because

The Immigration Judge does not have authority or jurisdiction to consider the respondent's request for bond under Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025) ("Based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission").

Although the Immigration Court notes the respondent's reference to the November 25, 2025, order issued in the District Court for the Central District of California, Maldonado Baustista v. Noem (5:25-cv-01873-SSS-BFM), Yajure Hurtado is binding precedent on the Immigration Court unless there is a local habeas decision requiring a bond hearing under INA § 236.

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Immigration Judge: Doughty, Blake 01/28/2026

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☐ waived ☑ reserved
Appeal Due: 02/27/2026

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : LOPEZ-MALDONADO, EDUARDO | A-Number : [redacted]
Riders:
Date: 01/28/2026 By: Martin, Rita, Court Staff

EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]

Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: EDUARDO LOPEZ-MALDONADO currently residing at:

See Continuation Page Made a Part Hereof

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States.

2. You are a native of MEXICO and a citizen of MEXICO.

3. You entered the United States at or near unknown place, on or about unknown date.

4. You were not then admitted or paroled after inspection by an Immigration Officer.ORAt that time you arrived at a time or place other than as designated by the Attorney General.

5. You are an immigrant not in possession of a valid unexpired immigrant visa. See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

3311 TOLEDO ROAD, SUITE 105, HYATTSVILLE, MARYLAND 20782 HYATTSVILLE IMMIGRATION COURT

(Complete Address of Immigration Court, including Room Number, if any)

on March 17, 2026 *(Date)* at 8:00 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

LARRY FISHER - SDDO

(Signature and Title of Issuing Officer)

Date: December 31, 2025

BALTIMORE MD

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/I-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(a)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 31, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ In person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☐ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

REFUSED

_____ _____

(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

AWS ABDULRAZZAQ - Deportation Officer

DHS Form I-862 (6/22)

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR – 3 of 4

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name	File Number	Date
LOPEZ-MALDONADO, EDUARDO	[redacted]	12/31/2025

CURRENTLY RESIDING AT:

[redacted]

THE SERVICE ALLEGES THAT YOU:

reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
LARRY FISHER	SDDO

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Form I-831 Continuation Page (Rev. 08/01/07)