UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

DARVIN CRISLER CORONADO-CORONADO,
Plaintiff-Petitioner,

v.

GARRETT J. RIPA,
in his official capacity as Field Office Director of Miami Field Office of U.S. Immigration & Customs Enforcement,

WARDEN OF KROME NORTH SERVICE PROCESSING CENTER
in his/her official capacity as Warden or Facility Director

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

KRISTI NOEM,
in her official capacity as Secretary, U.S. Department of Homeland Security,

PAMELA J. BONDI,
in her official capacity as Attorney General of the United States,

U.S. ATTORNEY'S OFFICE,
Southern District of Florida as the Legal Representative of the United States Government

Defendants-Respondents.

Civil No. _____

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

COMES NOW Plaintiff-Petitioner DARVIN CRISLER CORONADO-CORONADO hereby respectfully petitions this Court for a writ of habeas corpus to remedy his wrongful and unlawful detention absent any bond or other individualized hearing and files the instant Complaint for Declaratory and Injunctive Relief against Defendants-Respondents GARRETT J. RIPA, in his official capacity as Field Office Director of Miami Field Office of U.S. Immigration & Customs Enforcement ("ICE"); TODD LYONS, in his official capacity as Acting Director of ICE; KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security ("DHS"); and PAMELA BONDI, in her official capacity as Attorney General of the United States, challenging his unlawful and unconstitutional immigration detention by ICE as violative of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A)-(E); contrary to 8 U.S.C. § 1226 and 8 C.F.R. §§ 1003.19(i)(2), 1236(d)(1); and in contravention of his Fifth Amendment right to procedural and substantive due process. In support of the relief requested herein, Plaintiff-Petitioner respectfully states as follows:

INTRODUCTION

> *It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.*
>
> James Madison, The Federalist No. 48, p. 276 (C. Rossiter ed. 1961).

Contrary to long-standing precedent, existing statutory and regulatory authority, and established agency policies and practices, the Executive acting contrary to law, arbitrarily and capriciously, and in disregard and violation of both procedural and substantive due process guaranteed under the Fifth Amendment to the United States Constitution has now determined to reclassify all undocumented aliens in the United States as "applicant[s] for admission" at the border subject to mandatory immigration detention without bond pending the entirety of their removal proceedings.

Specifically, on September 5, 2025, the Board of Immigration Appeals ("BIA") issued *Matter of Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), a precedent decision declaring that any noncitizen who is present in the United States without having been inspected and admitted is now subject to detention under 8 U.S.C. § 1225(b)(2), which applies only to "arriving aliens," and not subject to 8 U.S.C. § 1226(a), which applies to "aliens already in the country." *See Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018). This decision is based on a new strained reading of Section 1225, previously adopted by DHS on July 8, 2025, as articulated in *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025).

Together, *Q. Li* and *Hurtado* purport to strip Immigration Judges of jurisdiction over custody redeterminations for noncitizens who entered without inspection and have not subsequently obtained lawful status. These decisions create a sweeping new rule that deprives most noncitizens who entered the United States without inspection any right to seek bond from an

Immigration Judge regardless of how long they have been residing in the country or where they were arrested.

This detention is also averred to endure the entirety of the noncitizen's removal process. According to latest TRAC Immigration and Executive Office for Immigration Review ("EOIR") reports, the average length of time from a Notice to Appear ("NTA") to a final order of removal is from two (2) to three (3) years nationwide (with some busier jurisdictions taking longer). As a result, this newly discovered detention authority invented by ICE is akin to a confinement sentence in a term of years to any noncitizen picked up off the street by ICE today, tomorrow, and unless nationwide compulsory injunctive relief is issued or until similar to the unlawful termination of SEVIS status cases that surged earlier this year the Executive acquiesces to the eventuality of nearly universal defeat in a court of law and surrenders to the futility of pursuing that line.

At bottom, this radical shift in policy constitutes a thinly veiled attempt to utilize detention as an instrument of suffering and to psychologically and financially coerce immigrants to abandon the legal process as both the foreseeable result and unstated goal undergirding the change.

This reclassification and reasoning have already been rejected by this Court and District Courts nationwide. *See, e.g., Puga v. DHS*, No. 25-24535, 2025 U.S. Dist. LEXIS 203222 (S.D. Fla. Oct. 15, 2025); *Banegas-Boquedano v. Bondi*, No. 25-26084-CV-WILLIAMS, 2026 LX 19883, at *8 (S.D. Fla. Feb. 3, 2026); *Patel v. Hardin,* No. 2:25-cv-870-JES-NPM, 2025 WL 3442706 (M.D. Fla. Dec. 1, 2025); *Cetino v. Hardin,* 2:25-cv-1037-JES-DNF, 2025 WL 3558138 (M.D. Fla. Dec. 12, 2025); *Bravo-Diaz v. Mordant,* 2:25-cv-1013-JES-DNF (M.D. Fla. Dec. 16, 2025); *Garcia v. Noem*, 2:25-cv-00879-SPC-NPM (M.D. Fla. Oct 31, 2025); *Vieira v. Anda-Ybarra,* EP-25-CV-00432-DB (W.D. Tex. Oct 16, 2025); *Hernandez-Fernandez v. Lyons*, 5:25-CV-00773-JKP (W.D. Tex. Oct 21, 2025); *Antonio Aguirre Villa v. Normand*, No. 5:25-cv-89,

2025 U.S. Dist. LEXIS 217348 (S.D. Ga. Nov. 4, 2025); *Juan Ortega Jimenez v. Warden FCI Atlanta (DHS)*, No. 1:25-cv-5650 (N.D. Ga. Nov. 6, 2025); *Hernandez v. Glades Warden (DHS)*, No. 2:25-cv-830-KCD-NPM, 2025 U.S. Dist. LEXIS 212865 (M.D. Fla. Oct. 29, 2025); *Contreras-Cervantes v. DHS*, No. 2:25-cv-13073, 2025 U.S. Dist. LEXIS 205416, at *22 n.4 (E.D. Mich. Oct. 17, 2025) (collecting cases); *Sixto Hernandez v. DHS*, No. 1:25-cv-1565, 2025 U.S. Dist. LEXIS 204978 (E.D. Va. Oct. 16, 2025); *E.C. v. DHS*, No. 2:25-cv-1789 (D. Nev. Oct. 14, 2025); S.D.B.B. v. DHS, No. 1:25-cv-882, 2025 U.S. Dist. LEXIS 194795 (M.D.N.C. Oct. 7, 2025); *Orellana v. DHS*, No. 25-1788, 2025 U.S. Dist. LEXIS 164986 (D. Md. Oct. 7, 2025); *Quispe v. Crawford*, No. 1:25-cv-1471, 2025 U.S. Dist. LEXIS 194070 (E.D. Va. Sept. 29, 2025).

Moreover, the United States District Court for the Central District of California entered a nationwide injunction enjoining DHS from imposition of mandatory detention under 8 U.S.C. § 1225(b)(2), on foreign nationals including Plaintiff-Petitioner herein. *See Bautista v. Santacruz*, No. 2:25-cv-4271, 2025 U.S. Dist. LEXIS 233085, at *28–29 (C.D. Cal. Nov. 20, 2025) (Order Granting Motion for Partial Summary Judgment); *see also Bautista v. Santacruz*, No. 2:25-cv-4271, 2025 U.S. Dist. LEXIS 231977, at *2 (C.D. Cal. Nov. 25, 2025) (Order Granting Class Certification).

On February 18, 2026, further confirming the absence of statutory authority to impose mandatory, no-bond detention, the Honorable Judge Sykes of the United States District Court for the Central District of California vacated *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In that proceeding, Respondents expressly acknowledged that, in the absence of *Yajure Hurtado*, there is no precedential decision requiring Immigration Judges to deny bond under 8 U.S.C. § 1225(b)(2) in cases such as this. *See Maldonado Bautista et al. v. Santacruz Jr. et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.) (Order Vacating Yajure Hurtado) (filed herewith as Exhibit 1).

Accordingly, Respondents in the present matter lack any binding statutory or precedential authority mandating continued detention without an individualized bond determination. Continued detention under a mandatory, no-bond framework is therefore unsupported by controlling law. *Id.*

Despite this Court's prior rulings and the nationwide injunction in force flowing from *Bautista*, DHS continues to unlawfully detain Plaintiff-Petitioner under 8 U.S.C. § 1225(b)(2). As widely reported, more than 300 federal courts have now rejected this same detention authority. *See* Kyle Cheney, *Hundreds of Judges Reject Trump's Mandatory Detention Policy*, Politico (Jan. 5, 2026). Yet Plaintiff-Petitioner's unquestionably unlawful detention persists contrary to this Court's prior ruling on point and a compulsory Order in a certified class action enjoining such detention. This Court should not countenance such willful disobedience and disregard of judicial authority by the Executive and ongoing misapplication of immigration detention authority in this context.

Plaintiff-Petitioner now brings this petition for a writ of habeas corpus to seek enforcement of his rights as members of the bond-eligible class certified in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Plaintiff-Petitioner requests the Court either mandate his release from immigration custody or declare and enforce his right to a bond redetermination or other individualized hearing forthwith.

REQUEST FOR ISSUANCE OF THREE (3) DAY ORDER TO SHOW CAUSE UNDER 28 U.S.C. § 2243

Due to the ongoing deprivation of his liberty and urgent irreparable harms flowing to his Family—including one (1) United States citizen child—Plaintiff-Petitioner respectfully requests entry of an Order to Show Cause within three (3) days under 28 U.S.C. § 2243, and specifically reserves the right to file an Emergency Motion for Temporary Restraining Order in accordance with FED. R. CIV. P. 65(b) and Local Rule 6.01.

Issuance of a three (3) day Order to Show Cause is particularly appropriate in these circumstances. *See Banegas-Boquedano v. Bondi*, No. 25-26084-CV-WILLIAMS, 2026 LX 19883, at *8 (S.D. Fla. Feb. 3, 2026) (collecting cases) (noting: "The Court is unable to remain current on all new case authority supporting the Court's conclusion, given the continued onslaught of litigation being generated by Respondents' widespread illegal detention practices."). "[j]udges across the country—the vast majority who have considered this question—have told the Government many times in the past few months that its interpretation of the law is wrong." *See Gimenez Rivero v. Sheriff John Mina, et al.*, No. 6:26-cv-66-RBD-NWH, 2026 WL 199319, at *5 (M.D. Fla. Jan. 26, 2026). ("If the Government is going to argue for expanding the interpretation of a law or maintain a widely rejected position to preserve its appellate rights, it may do so. But its lawyers must make those arguments in a way that comports with their professional obligations, as lawyers have done since time immemorial: Cite the contrary binding authority and argue why it's wrong. Don't hide the ball. Don't ignore the overwhelming weight of persuasive authority as if it won't be found.")

Section 2243 provides, in pertinent part: "The writ, or order to show cause shall . . . be returned within three days ***unless for good cause additional time***, not exceeding twenty days, ***is allowed***." *See* 28 U.S.C. § 2243 (emphasis added). Here, Defendant-Respondents could not possibly establish "good cause" required to justify issuance of an order to show cause returnable in excess of three (3) days.

This case presents an outcome that cannot be reasonably doubted. Plaintiff-Petitioner is a long-time resident of the United States who entered without inspection nearly a decade ago and is detained solely under 8 U.S.C. § 1225(b)(2). It is now nearly axiomatic that such detention is

unlawful. Where the legality of detention is not reasonably debatable speed is not only appropriate but required under Section 2243.

This habeas filing does not arise from ambiguity, novelty, or good-faith disagreement over unsettled law relevant to immigration detention. Rather, it arises from conscious, deliberate, and nearly wholesale disregard of reams and reams of carefully considered case law presenting an overwhelming consensus of by the federal judiciary the detention authority involved herein is emphatically unlawful.

As widely reported, more than 300 federal judges have now rejected the same detention theory DHS will advance in this habeas process that has resulted in release or bond hearings for at least 1,600 habeas petitioners nationwide. *See* Kyle Cheney, *Hundreds of Judges Reject Trump's Mandatory Detention Policy*, Politico (Jan. 5, 2026). (filed herewith as Exhibit 13). The article cited documents that federal courts have rejected DHS's interpretation as unlawful or unconstitutional in case after case with judges describing the DHS's position as "inexplicable," "incoherent," and contrary to decades of settled practice.

Yet despite this overwhelming judicial consensus—and notwithstanding a binding nationwide injunction entered in a certified class action expressly prohibiting detention of long-term residents under 8 U.S.C. § 1225(b)(2)—Plaintiff-Petitioner's unquestionably unlawful detention persists. *See Bautista v. Santacruz*, No. 2:25-cv-4271, 2025 U.S. Dist. LEXIS 233085, at *28–29 (C.D. Cal. Nov. 20, 2025); *see also Bautista v. Santacruz*, No. 2:25-cv-4271, 2025 U.S. Dist. LEXIS 231977, at *2 (C.D. Cal. Nov. 25, 2025).

Federal courts have not been subtle in their reaction to this unfortunate state of affairs unprecedented in our Nation's history. District Court judges across the land have openly acknowledged the current flood of habeas petitions is not being driven by novel legal questions

but by DHS's systemic refusal to conform their conduct to controlling law. *See* Jack Karp, *Habeas Cases Flood Courts After Immigrant Detention Shift*, Law360 (Feb. 3, 2026). Federal judges nationwide have expressed growing alarm at DHS's continued detention practices even after their courts have ruled, ordered release, and/or mandated bond hearings. *Id.*

Indeed, this District Court has echoed that concern. In *Banegas-Boquedano v. Bondi*, Judge Kathleen M. Williams expressly noted the "continued onslaught of litigation being generated by Respondents' widespread illegal detention practices," underscoring that the present wave of habeas petitions is driven not by novel questions of law, but by persistent noncompliance with settled authority. *See Banegas-Boquedano v. Bondi*, 2026 U.S. Dist. LEXIS 22181, at *8 (S.D. Fla. Feb. 3, 2026) (Williams, J.)

Reporting further confirms that the scope of DHS noncompliance has grown so severe that government attorneys themselves have openly pleaded in court for sanctions, so they are spared from this grinding and exhausting Executive attempt at attrition, explaining that DHS routinely fails to respond to directives to comply with judicial orders. *See* Kyle Cheney & Josh Gerstein, *'This Job Sucks': Government Lawyers, Drowning in Immigration Cases, Have Had It*, Politico (Feb. 4, 2026) (filed herewith as Exhibit 12). In one such hearing, a Government attorney implored the District Court to hold her in contempt so that she might finally obtain some rest candidly acknowledging that DHS simply does not respond when instructed to comply with court orders. *Id.*

This Court should not countenance such willful disobedience and disregard of judicial authority by the Executive nor permit DHS to manufacture "good cause" for delays out of their own systemic noncompliance. Where detention is plainly unlawful, widely repudiated, and already enjoined by compulsory judicial order, any unnecessary delay in adjudicating habeas and affording

relief in the face of unlawful immigration detention entrenches, tolerates, and implicitly encourages an ongoing pattern and practice of constitutional violation.

In this context, a thirty (30) day return date as customarily afforded DHS in similar habeas cases would not merely unnecessarily defer and delay presumptive relief to Plaintiff-Petitioner and his Family. It would necessarily extend a glaring constitutional violation that the Court already has power, duty, and authority to stop with the proverbial stroke of its pen. At bottom, Plaintiff-Petitioner's patently unlawful detention constitutes a manifest injustice warranting immediate remedy.

Issuance of a three (3) day Order to Show Cause in this instance would interpose no undue burden on DHS. In this context, the dispositive question is narrow and binary: "Does DHS contend that Plaintiff-Petitioner, an interior arrestee, long-time resident, and class member under *Bautista* may lawfully be detained under Section 1225(b)(2)"? If DHS answers in the affirmative, the writ should issue forthwith because the legal viability of that position has already been briefed, heard, considered, discussed, determined, and adjudicated to be by at least 300 federal courts nationwide unlawful.

Section 2243 imposes a statutory mandate that absent "good cause" a three (3) day Order to Show Cause should issue. There can be no "good cause" here for unnecessarily prolonging Plaintiff-Petitioner's obviously unlawful detention. Therefore, Plaintiff-Petitioner respectfully requests issuance of an Order to Show Cause returnable within three (3) days. Parenthetically, this also serves an important institutional interest. The current flood of immigration habeas litigation must be straining the scarce judicial resources economy while at the same overwhelming Government counsel so severely they are beginning to have outbursts in open court. A narrow and expedited order requiring DHS to identify the asserted detention authority at outset will allow this

Court to resolve plainly unlawful detention promptly without requiring its consideration of full adversarial briefing where the answer is already abundantly clear thus reducing unnecessary litigation burdens on this Court and Government counsel all directly due and as a result of ongoing widespread unlawful immigration detention practices and open disregard of judicial authority by the Executive at an epic, unprecedented, and increasingly alarming scale.

PARTIES

1. Plaintiff-Petitioner Darvin Crisler Coronado Coronado ("Plaintiff-Petitioner") is a citizen and national of Guatemala who last resided in the City of Ocoee, which is located in Orange County, Florida.

2. Plaintiff-Petitioner is currently in the physical custody of U.S. Immigration and Customs Enforcement ("ICE"), a component of the U.S. Department of Homeland Security ("DHS") and detained at Krome North SPC.

3. Plaintiff-Petitioner is currently detained at Krome North SPC, located in the City of Miami, in Dade County, Florida.

4. Defendant-Respondent **GARRET J. RIPA** is sued in his official capacity as Field Office Director, Miami Field Office, ICE. As Field Office Director, he is Plaintiff-Petitioner's legal custodian.

5. Defendant-Respondent **WARDEN OF KROME NORTH SERVICE PROCESSING CENTER** is sued in his/her official capacity as Warden or Facility Director. As a Warden or Facility Director, he/she is Plaintiff-Petitioner's legal custodian.

6. Defendant-Respondent **TODD M. LYONS** is sued in his official capacity as the Acting Director of Immigration and Customs Enforcement, which is a component of DHS. As Acting Director of ICE, he is Plaintiff-Petitioner's legal custodian.

7. Defendant-Respondent **KRISTI NOEM** is sued in her official capacity as Secretary of DHS and generally responsible for the administration and enforcement of applicable laws and statutes governing immigration. As Secretary of DHS, she is Plaintiff-Petitioner's legal custodian.

8. Defendant-Respondent **PAMELA J. BONDI** is sued in her official capacity as the Attorney General of the United States. She has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103, and thus legal custodian of Plaintiff-Petitioner.

JURISDICTION

9. This action arises under the United States Constitution and the Immigration and Nationality Act of 1952, 8 U.S.C. § 1101, *et seq.* ("INA").

10. This Court has jurisdiction over this petition for writ of habeas corpus under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (mandamus); art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); U.S. Const. amend. V (the Due Process Clause of the U.S. Constitution); and has jurisdiction to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201-02.

11. This Court may grant habeas relief pursuant to 28 U.S.C. §§ 2201-02, 28 U.S.C. § 2241, and the All-Writs Act, 28 U.S.C. § 1651.

12. This Court has jurisdiction over all non-habeas claims alleged in this action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (federal defendant); and 5 U.S.C. § 702 (right of review).

13. The Court is authorized to grant the requested relief under 5 U.S.C. § 706(2)(A) - (E); 28 U.S.C. §§ 2201-2202; and 28 U.S.C. § 1651, as well as pursuant to its inherent equitable powers.

VENUE

14. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2), and (e)(1)(B) because a substantial part of the events or omissions giving rise to the claim occurred in this District, no real property is involved, and Plaintiff-Petitioner is detained within this judicial district.

FACTS & BACKGROUND

Identity, National Origin, and Entry

15. Plaintiff-Petitioner is a native and citizen of Guatemala who has resided continuously in the United States for approximately nine (9) years following his entry without inspection in or about December 2017.

16. Since that time, Plaintiff-Petitioner has lived openly, peacefully, and productively in the United States, establishing deep family, community, and economic ties, all with the full knowledge of the Department of Homeland Security ("DHS"). *See* Declaration of Nolvia Y. Osorio Aguilar (filed herewith as Exhibit 4).

17. Plaintiff-Petitioner has no criminal history of any kind. He has never been arrested, charged, or convicted of any offense, and DHS does not contend otherwise. His sole alleged violation of law is his manner of entry nearly a decade ago.

Marriage & Family With United States Citizen Child

18. Plaintiff-Petitioner is married to Nolvia Yaneydi Osorio Aguilar. The couple has been together since 2019, almost seven (7) years ago and married since September 6, 2024. Their relationship is rooted in long-term cohabitation, shared childrearing, and mutual financial and emotional reliance. (*See* Exhibit 4 – Spouse's Affidavit).

19. Together, Plaintiff-Petitioner and his wife are raising two (2) children, one of which is a United States citizen who depend profoundly on his daily presence, care, and support. His eldest child, J.D.O.A. (age 8), is his stepson, for whom he has cared for since he began a relationship with Ms. Osorio Aguilar.

20. Plaintiff-Petitioner is also the biological father of A.I.C.O. (20 months old) a United States citizen. Prior to his detention, he played an essential role in their daily lives, including school routines, emotional regulation, and household stability.

21. Since Plaintiff-Petitioner's detention, Ms. Osorio Aguilar has been forced to assume sole responsibility for all caregiving, household management, and financial survival for the family. The resulting emotional, developmental, and financial harm to the children and their mother is immediate, severe, and ongoing.

Employment, Community Ties & Economic Stability

22. For many years, Plaintiff-Petitioner has worked steadily in the construction industry as a paver installer and in landscaping designing beautiful backyards. He is the primary and only financial provider for his household.

23. His sudden detention resulted in an immediate and total loss of household income, placing his spouse, stepson, and his United States Citizen child in acute financial distress overnight.

Immigration History & Removal Proceedings

24. Plaintiff-Petitioner entered the United States without inspection in December 2017 as a minor and has never departed. DHS has been aware of his presence since his entry to the United States.

25. Plaintiff-Petitioner was issued a Form I-862, Notice to Appear which placed him in Removal Proceedings after his entry on December 6, 2017. His case was dismissed by the Honorable Immigration Judge Richard Jamadar on November 21, 2024, following a joint request with the Office of Principal Legal Advisor ("OPLA") for termination, administrative closure or prosecutorial discretion. (*See* Exhibits 6 – Previous NTA, and 9 – Imm Judge's Order)

26. Plaintiff-Petitioner has a pending asylum application with U.S. Citizenship and Immigration Services ("USCIS") since September 21, 2023. At the time Mr. Coronado Coronado was detained, he had a valid employment authorization and a valid driver's license. (*See* Exhibit 8-USCIS I-589 receipt).

27. At all relevant times, DHS has labeled and treated Plaintiff-Petitioner as a long term resident noncitizen already present in the United States and not as a recent arrival or arriving alien.

Arrest, Unlawful Detention & Denial of Bond

28. On or about January 28, 2026, a Florida State Trooper arrested the Plaintiff-Petitioner. The State Trooper followed the Plaintiff Petitioner for several minutes before pulling him over and arresting him. The State Trooper did not issue a citation, a ticket, or filed any charges against the Plaintiff-Petitioner.

29. Immediately after the arrest by the Florida State Trooper, ICE was notified of the arrest and the lack of legal status in the United States of the Plaintiff-Petitioner. ICE placed a hold on Plaintiff-Petitioner while he was in the Orange County Jail without any state charges.

30. The Plaintiff-Petitioner has been detained despite his long-term residence in the United States, his lack of any criminal history, his deep family ties to United States citizens, and his ongoing pursuit of lawful immigration status.

31. Plaintiff-Petitioner has remained continuously confined since that date and is currently detained at the Krome North SPC in Miami, Florida. *See* Exhibit 10 – ICE Detainee Locator.

32. The Plaintiff-Petitioner is excused from exhausting administrative remedies because exhaustion would be futile and would cause irreparable harm.

33. The Board of Immigration Appeals ("BIA") has issued a binding precedential decision in *Matter of Yaruje Hurtado*, 29 I&D Dec. 216 (BIA 2025) holding that individuals who entered without inspection are "applicants for admission" subject to mandatory detention under §1225(b)(2).

34. An Immigration Judge is bound by *Yaruje Hurtado* and would be compelled to deny jurisdiction over bond request. Such continued detention without hearing constitutes irreparable harm involving deprivation of fundamental liberty interests.

Family Circumstances & Irreparable Harm

35. As a threshold matter, continued unlawful detention constitutes irreparable harm per se. "It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Gayle v. Meade*, 614 F. Supp. 3d 1175, 1205 (S.D. Fla. 2020) (internal quotation marks omitted). Freedom from imprisonment "lies at the heart of the liberty that [the Due Process Clause] protects," and the unnecessary deprivation of liberty "clearly constitutes irreparable harm." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *United States v. Bogle*, 855 F.2d 707, 710–11 (11th Cir. 1988).

36. Any ongoing violation of a constitutional right likewise constitutes irreparable injury. *See Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1128 (11th Cir. 2022); *Otto v. City of*

Boca Raton, 981 F.3d 854, 870 (11th Cir. 2020); *Cate v. Oldham*, 707 F.2d 1176, 1188 (11th Cir. 1983); *FF Cosms. FL, Inc. v. City of Miami Beach*, 866 F.3d 1290, 1298 (11th Cir. 2017).

37. Beyond the inherent harm of unlawful detention, Plaintiff-Petitioner continued confinement inflicts profound and irreversible injury on his family. Prior to his detention, Plaintiff-Petitioner was deeply involved in the daily supervision of his children.

38. Plaintiff-Petitioner's children, J.D.O.A. and A.I.C.O., are suffering ongoing emotional distress, sleep disruption, academic difficulties, and persistent fear stemming from the sudden removal of their father from the home.

39. No later court order can restore lost time, parental bonding, developmental stability, or the emotional security of these children. The harm caused by each day of unlawful detention is permanent, cumulative, and ongoing.

40. The unlawful detention of Plaintiff-Petitioner has inflicted profound and irreparable harm on his children. Prior to detention, Plaintiff-Petitioner was deeply involved in school coordination, and daily supervision of his children.

41. The children, J.D.O.A. and A.I.C.O., are suffering emotional distress, sleep disruption, academic decline, and persistent fear stemming from the sudden removal of Plaintiff-Petitioner from the family home.

42. No later judicial relief can restore lost time, parental bonding, developmental stability, or the emotional security of these children. The harm caused by each day of unlawful detention is permanent and ongoing.

43. Each day of detention permanently steals irreplaceable moments from his children, deepens their trauma, and fractures a family that was functioning, stable, and thriving before DHS unlawfully intervened. *Id.* These harms are immediate, compounding, and incapable of

remediation through later relief, making Plaintiff-Petitioner's continued detention intolerable under any conception of the law or due process.

LEGAL AUTHORITY

Categories of Immigration Detention

44. The INA generally provides for three forms of civil detention for noncitizens in removal proceedings.

45. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens arrested "on a warrant" pending the resolution of standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229(a). Unless they have been arrested, charged with, or convicted of certain enumerated crimes, which would subject them to mandatory detention until their removal proceedings are concluded, *see* 8 U.S.C. § 1226(c), an individual detained under Section 1226(a) can be released by ICE on bond or conditional parole. *See* 8 U.S.C. § 1226(a)(1); 8 C.F.R. § 236.1(c)(8). If release is denied by ICE, the detainee can seek a custody redetermination before an Immigration Judge, i.e., bond hearing, at the outset of their detention. S*ee* 8 C.F.R. §§ 1003.19(a), 1236.1(d). At the hearing, the noncitizen may present evidence to show they are not a flight risk or danger to the community and should therefore be released on bond. *See generally Matter of Guerra*, 24 I. & N. Dec. 37, 50 (BIA 2006).

46. Second, the INA imposes mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and of an "applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted" under Section 1225(b)(2). Individuals detained under Section 1225(b) receive no bond hearing, *see* 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV), (b)(2)(A), and can only be

released under humanitarian parole at the arresting agency's discretion. *See Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018); 8 U.S.C. § 1192(d)(5).

47. Lastly, the INA provides for detention of noncitizens who have been issued a final order of removal and pending removal from the United States. *See* 8 U.S.C. § 1231(a)-(b). This authority is not applicable here.

48. This action concerns distinction between mandatory versus discretionary detention provisions under Section 1226(a) and Section 1225(b)(2), which were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226 was most recently amended this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

49. The Supreme Court summarizes the interplay between Sections 1226 and 1225 as follows: "In sum, U.S. immigration law authorizes the Government to detain certain [noncitizens] seeking admission *into* the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c)." *Jennings*, 582 U.S. at 289 (emphasis added).

50. The policy challenged herein is based on a reading of Section 1225(b)(2) to require mandatory detention for any individual who entered the United States without inspection despite having not been apprehended upon arrival or shortly thereafter.

51. Prior to the enactment of the IIRIRA, noncitizens arrested in the interior and charged with entering the U.S. without inspection were entitled to a custody hearing before an Immigration Judge or other hearing officer, while those stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994) (authorizing detention of noncitizens "arriving at ports of the United States"). Congress clarified that the IIRIRA amendment of Section 1226(a)

simply "restate[d]" the detention authority previously found at § 1252(a) "to arrest, detain, and release on bond a[] [noncitizen] who is not lawfully in the United States.". *See* H.R. Rep. No. 104-469, pt. 1, at 229 (1996); *see also* H.R. Rep. No. 104-828, at 210 (1996) (Conf. Rep.).

52. Congress separately maintained the existing mandatory detention scheme for noncitizens arriving in the United States without a clear right to admission and expanded the scope of that detention scheme to include certain recently arrived noncitizens. Compare 8 U.S.C. § 1225(b) (1994 ed.), with 8 U.S.C § 1225(b)(1)-(2). These amendments were designed to address the perceived problem of noncitizens arriving in the United States. *See* H.R. Rep. No. 104-469, p. 1, at 157-58, 228-29.

53. In distinguishing between noncitizens arriving versus noncitizens residing in the United States, Congress reflected its understanding of longstanding due process precedent that recognizes the more substantial due process rights of noncitizens already residing in the U.S. with those of noncitizens recently arriving. *Id.* at pt. 1, at 163-66 (recognizing the "constitutional liberty interest[s]" of noncitizens present in the U.S., versus the assumed minimal due process rights of arriving noncitizens) (citing Knauff v. Shaughnessy, 338 U.S 537 (1950)).

54. Until DHS and DOJ adopted the policy described below, the longstanding practice of the agencies charged with interpreting and enforcing the INA applied Section 1226(a) to noncitizens like Plaintiff-Petitioner, who entered the United States without inspection and surrendered to U.S. Customs & Border Patrol immediately. Regulations drafted following the enactment of the IIRIRA explained this distinction. *See Inspection and Expedited Removal of Aliens*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination . . . The effect of

this change is that inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge, while arriving aliens do not. This procedure maintains the status quo . . .").

55. Accordingly in the decades since IIRIRA was enacted, DHS and the EOIR have applied Section 1226(a) to the detention of individuals apprehended within the continental United States who entered without inspection and provided them access to release on bond.

56. That practice was consistent with additional decades of pre-IIRIRA practice, in which noncitizens who were not "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting the new Section 1226(a) simply "restates" the detention authority previously found at Section 1252(a)).

57. Prior to the change in policy on July 8, 2025, at issue, noncitizens apprehended in the United States were largely granted individualized bond hearings under Section 1226(a), and ICE never argued that that Section 1226(a) did not apply to them.

58. The Laken Riley Act created additional exceptions to Section 1226 and authorized mandatory detention for certain categories of noncitizens under Section 1226(c). *See* Pub. L. No. 119-1, 139 Stat. 3 (2025); 8 U.S.C. § 1226(c).

59. Specifically, Section 1226(c)(1)(E) (enacted by the Laken Riley Act) requires mandatory detention for people who were charged as being (1) inadmissible under Section 1182(a)(6)(A)(i) (the inadmissibility ground for entry without inspection) or (a)(7) (the inadmissibility ground for lacking valid documentation to enter the United States) and who (2) have been arrested, charged with, or convicted of certain crimes not relevant here. *See* 8 U.S.C. § 1226(c)(1)(E). The Laken Riley amendments otherwise continued to authorize discretionary

detention of noncitizens charged with being inadmissible who do not fall into those enumerated Section 1226, not Section 1225 applies to individuals such as Plaintiff-Petitioner herein who are apprehended well-within the interior of the United States and many years after their entry without inspection.

New ICE Unlawful Detention Policy

60. Section 1226, not Section 1225, applies to Plaintiff-Petitioner.

61. The statute must be read against the backdrop of "our constitutional principles." *Zadvydas*, 533 U.S. at 690-99.

62. Regardless of BIA's recent decisions in *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025) and *Matter of Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), the task of resolving this issue belongs to the independent judgment of the courts. *Loper Bright Enters. v. Raimando*, 603 U.S. 369, 385 (2024) ("When the meaning of a statute [is] at issue, the judicial role [is] to interpret the act of Congress, in order to ascertain the rights of the parties.") (internal quotation marks and citation omitted).

63. The first step of interpreting the relevant INA provisions is to determine the plain meaning of the statute. *Esquivel-Quintana v. Sessions*, 581 U.S. 385, 391 (2018) ("We begin, as always, with the text.").

64. First, the title of Section 1225 indicates that it concerns "inspection by immigration officers," and "expedited removal of inadmissible arriving aliens." *See* 8 U.S.C. § 1225. Paragraph (b)(1) of that Section sets forth the procedure for inspection of "aliens arriving in the United States and certain other aliens who have not been admitted or paroled." *Id.*, § 1225(b)(1).

65. Paragraph (b)(1) goes on to encompass "an alien . . . who is arriving in the United States," and other "certain other aliens" designated by the Attorney General "who [have] not been

admitted or paroled into the United States" and "who [have] not affirmatively shown . . . that [they have] been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination under this subparagraph." *Id.*

66. ICE's "one-size-fits-all" application of Section 1225(b)(2) to all aliens, with no distinctions, violates the fundamental canons of statutory construction and renders Section 1226 utterly superfluous. Laken Riley Act amendments to Section 1226(c), the legislative history of the IIRIRA, and longstanding practice supports the conclusion that Section 1225 does not apply to a noncitizen who has been residing in the United States for more than two (2) years.

67. Paragraph (b)(1) sets forth a process for expedited removal of the above-described classes of noncitizens. *Id.* Section 1225(b)(2), the provision at issue herein, concerns "Inspection of other aliens" not covered by Paragraph (b)(1). Paragraph (b)(2)(A) states:

> [I]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

See 8 U.S.C. § 1225(b)(2)(A).

68. By its plain text, Section 1225(b)(2) thus applies where several conditions are met: (1) an "examining immigration officer" in the context of "inspection" (2) determines that an individual is an "applicant for admission" who is (3) "seeking admission." Section 1225(a)(1) defines "aliens treated as applicants for admission" for purposes of "inspection" under this Section as follows:

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

See 8 U.S.C. § 1225(a)(1).

69. To reiterate, Section 1225(b)(2)(A) narrows the above broader definition of "applicants for admission" and applies in the context of (1) "inspection" by an "examining immigration officer" only to (2) "applicants for admission" as defined above, who are (3) "seeking admission," and (4) whom Section (b)(1) does not address.

70. ICE avers that this definition of "applicant for admission" is the key provision and necessarily encompasses any noncitizen in the United States who has not been admitted, no matter how long they have resided in the United States. Stretching the phrase to continue potentially for years or decades pushes the statutory text beyond its breaking point.

71. ICE's sweeping and unlimited reading of "applicants for admission" ignores the fact that that term is further limited in Section1225(b)(2) by the active construction of the phrase "seeking admission" which entails some kind of affirmative action taken to obtain authorized entry. *See e.g., Martinez v. Hyde*, 2025 U.S. Dist. LEXIS 141724 (D. Mass. July 24, 2025); *see also Lopez Benitez v. Francis*, 2025 U.S. Dist. LEXIS 153952 (S.D.N.Y. Aug. 13, 2025). It is inconsistent with the plain, ordinary meaning of the phrase "seeking admission" to apply this section to all noncitizens already present and residing in the United States, regardless of whether they are taking any affirmative acts that constitute "seeking admission."

72. The statutory text indicates that for purposes of mandatory detention under Section 1225(b)(2)(A), the phrases "applicants for admission" and "seeking admission," taken together, are limited in temporal scope, and cannot be read to apply indefinitely to all noncitizens residing in the United States for years or even decades.

73. By contrast, ICE's reading effectively ignores the phrase "seeking admission" and asserts only the phrase "applicants for admission" controls. But that interpretation, which relies on conflating the phrases "applicants for admission" and "seeking admission" as "synonymous"

would render the phrase "seeking admission" redundant notwithstanding that one of the most basic interpretative canons instructs that a "statute should be construed so that effect is given to all its provisions." *Corley v. United States*, 556 U.S. 303, 314 (2009).

74. Section 1225's limited temporal focus is further evident in other provisions of Section 1225 which suggest Congress' focus was on ports of entry or recent arrivals, not longtime noncitizen residents intercepted far from any border. *See K Mart Corp. v. Cartier, Inc.*, 488 U.S. 281, 291 (1988) ("In ascertaining the plain meaning of the statue, the court must look to the particular statutory language at issue, as well as the language and design of the statute as a whole.")

75. Simply put, ICE's interpretation defies the plain language of the INA, its long-extant implementing regulations, and canons of statutory construction. The INA's plain text demonstrates that Section 1226(a) not Section 1225(b) applies to people like Plaintiff-Petitioner. Section 1226(a) is the default rule applying to all persons pending a decision on whether the noncitizen is to be removed. *Jennings*, 582 U.S. at 281.

76. Other portions of the text of Section 1226 also explicitly apply to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to inadmissible individuals makes clear that, by default, inadmissible individuals not subject to subparagraph (E)(ii) are entitled to a bond hearing under subjection (a). When Congress creates specific exceptions to a statute's applicability, it self-proves that absent those exceptions, the statute generally applies. *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010).

77. It is beyond debate that the mandatory detention provision of Section 1225(b)(2) does not apply to Plaintiff-Petitioner and that his detention is governed by Section 1226 and he is thus eligible for bond redetermination under 8 C.F.R. §§ 1003.19(i)(2), 1236(d)(1).

* * *

78. Plaintiff-Petitioner has retained Mubarak Law, PLLC to represent him in this lawsuit and is obligated to pay Mubarak Law, PLLC its reasonable attorneys' fees.

79. All conditions precedent to bringing this action have occurred or have been waived.

80. Plaintiff-Petitioner now brings this petition for issuance of a writ of habeas corpus under 28 U.S.C. § 2241, and action averring violation of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A)-(E) due to ICE's wrongful, arbitrary and capricious, and unlawful deprivation of his liberty in immigration detention absent any bond redetermination or other individualized hearing contrary to 8 U.S.C. § 1226 and 8 C.F.R. §§ 1003.19(i)(2), 1236(d)(1), as well as violation of his Fifth Amendment rights to procedural and substantive due process, seeking declaratory and injunctive relief.

CLAIMS FOR RELIEF

COUNT I
WRIT OF HABEAS CORPUS
Deprivation of Liberty Contrary to Law

81. Plaintiff-Petitioner adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-80 above as though fully stated and set forth herein.

82. The Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (*citing* U.S. Const., Art I, § 9, cl. 2). "The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

83. A writ of habeas corpus may be granted to a petitioner who demonstrates that he is in custody in violation of the Constitution or federal law. *See* 28 U.S.C. § 2241(c)(3).

84. Historically, "the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). Accordingly, a district court's habeas jurisdiction includes challenges to immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *see also Demore v. Kim*, 538 U.S. 510, 517 (2003).

85. As discussed, *supra*, at Paragraph Nos. 44-77, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

86. Defendants-Respondents have denied under erroneous and *ultra vires* authority Plaintiff-Petitioner any bond redetermination hearing or other individualized hearing with constitutionally adequate procedures.

87. Defendant-Respondents lack sufficient legal authority to detain Plaintiff-Petitioner absent any meaningful bond redetermination hearing or other individualized hearing with constitutionally adequate procedures in contravention of 8 U.S.C. § 1226 and 8 C.F.R. §§ 1003.19(i)(2).

COUNT II
VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
Deprivation of Liberty Contrary to Law

88. Plaintiff-Petitioner adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-80 above as though fully stated and set forth herein.

89. Under § 706(a) of the APA, final agency action can be set aside if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; . . . [or] without observance of procedure required by law." *See* 5 U.S.C. § 706(2)(A), (C)-(D).

90. As discussed, *supra*, at Paragraph Nos. 44-77, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

91. Defendants-Respondents have denied under erroneous and *ultra vires* authority Plaintiff-Petitioner any bond redetermination hearing or other individualized hearing with constitutionally adequate procedures.

92. Plaintiff-Petitioner is subject to 8 U.S.C. § 1226(a), which applies to "aliens already in the country," and not 8 U.S.C. § 1225, which applies to "arriving aliens" at the border. *See Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018).

93. Additionally, nothing in Plaintiff-Petitioner's criminal history or other history provides any basis or justification for his continued detention and/or denial of a bond redetermination hearing or other individualized hearing with constitutionally adequate procedures.

94. Continued detention of Plaintiff-Petitioner is therefore not in accordance with law, in excess of statutory authority, and without observance of procedure required by law.

95. As a direct and proximate result of his wrongful, unlawful, and *ultra vires* detention by Defendants-Respondents absent any meaningful bond redetermination hearing or other individualized and constitutionally adequate hearing under 8 U.S.C. § 1226(a), Plaintiff-Petitioner has suffered and will continue to suffer injury.

COUNT III
VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
Arbitrary & Capricious Deprivation of Liberty

96. Plaintiff adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-80 above as though fully stated and set forth herein.

97. Under § 706(a) of the APA, final agency action can be set aside if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," including if it fails to make a rational connection between the facts found and the decision made. *See* 5 U.S.C. § 706(2)(A).

98. Defendants-Respondents have failed to articulate any facts or sufficient legal authority that forms a basis for their decision to detain Plaintiff-Petitioner let alone any rational connection between the facts found and their adverse decision made.

99. Due to the lack of any meaningful bond redetermination hearing, Defendant-Respondents have made no determinations of fact at issue.

100. As discussed, *supra*, at Paragraph Nos. 36-73, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court. Plaintiff-Petitioner's continued detention absent any meaningful bond redetermination hearing or other individualized and constitutionally adequate hearing under 8 U.S.C. § 1226(a) is unlawful.

101. The adverse action by Defendants-Respondents is therefore arbitrary and capricious.

102. As a direct and proximate result of his wrongful, unlawful, and *ultra vires* detention by Defendants-Respondents absent any meaningful bond redetermination hearing or other individualized and constitutionally adequate hearing under 8 U.S.C. § 1226(a), Plaintiff-Petitioner has suffered and will continue to suffer injury.

COUNT IV
VIOLATION OF FIFTH AMENDMENT
Procedural Due Process

103. Plaintiff-Petitioner adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-80 above as though fully stated and set forth herein.

104. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment to the United States Constitution.

105. To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

106. Pursuant to *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." *Mathews*, 424 U.S. at 335.

107. Petitioner-Plaintiff has a significant interest at stake. Being free from physical detention by one's own government "is the most elemental of liberty interests." *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

108. Petitioner-Plaintiff is being held at a detention center and is far from his Family, which desperately requires both his financial assistance and logistical support.

109. There is a large risk of erroneous deprivation of Petitioner-Plaintiff's liberty interest through the procedures used in this case (in this case none) and there are available alternative procedures which would ameliorate those risks.

110. The risk of deprivation is high because, contrary to law, Defendant-Respondents refuse to afford Plaintiff-Petitioner any meaningful bond redetermination hearing or other individualized and constitutionally adequate hearing under 8 U.S.C. § 1226 and 8 C.F.R. §§ 1003.19(i)(2).

111. Defendant-Respondents have not determined Petitioner-Plaintiff to be flight risk or danger to the community or any other individualized factors; rather, they have unliterally deprived Plaintiff-Petitioner of his liberty based upon an erroneous reinterpretation of legal authority that strains credulity and runs against the grain of long-standing precedent, existing statutory and regulatory authority, and established agency policies and practices.

112. There are no significant governmental interest at stake related to Plaintiff-Petitioner's continued detention because his availability for removal proceedings may be secured by less restrictive means, i.e., bond, in light of the fact that Plaintiff-Petitioner is unquestionably neither a danger to any community nor a flight risk as well as the high likelihood he will succeed in obtaining favorable relief in his removal proceedings.

113. As a direct and proximate result of the violation of Plaintiff-Petitioner's procedural due process rights, Plaintiff-Plaintiff has suffered and will continue to suffer injury.

COUNT V
VIOLATION OF ADMINISTRATIVE PROCEDURE ACT
Procedural Due Process

114. Plaintiff adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-80 above as though fully stated and set forth herein.

115. Under § 706(a) of the APA, final agency action can be set aside if it is "contrary to a constitutional right, power, privilege, or immunity." *See* 5 U.S.C. § 706(2)(B).

116. As discussed, *supra*, at Paragraph Nos. 44-77, Petitioner-Plaintiff is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court.

117. Defendants-Respondents have deprived Plaintiff-Petitioner of his liberty without providing any meaningful bond redetermination hearing or other individualized and constitutionally adequate hearing.

118. Continued detention of Plaintiff-Petitioner absent any meaningful bond redetermination hearing or other individualized and constitutionally adequate hearing or sufficient and compelling legitimate government interest constitutes a violation of Due Process Clause of the Fifth Amendment to the United States Constitution.

119. The adverse agency action at issue is therefore necessarily contrary to a constitutional right and thus falls within the ambit of 5 U.S.C. § 706(2)(B).

120. As a direct and proximate result of the unauthorized and unlawful detention alleged herein, Plaintiff-Petitioner has suffered and will continue to suffer injury.

COUNT VI
VIOLATION OF FIFTH AMENDMENT
Substantive Due Process

121. Plaintiff adopts, repeats, and realleges all foregoing allegations in Paragraphs 1-80 above as though fully stated and set forth herein.

122. The Due Process Clause of the Fifth Amendment forbids the Government from indefinitely detaining inadmissible aliens potentially forever without a tenable justification.

123. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. U.S. Const. Amend. V. "Freedom from imprisonment from government

custody, detention, or other forms of physical restraint lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678 (2001).

124. Government detention violates the fundamental substantive Due Process rights guaranteed to non-citizens unless it is either ordered in a criminal proceeding with adequate procedural protections or it falls into "special and narrow non-punitive circumstances where a special justification, such as harm-threatening mental illness, outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v Davis*, 533 U.S. 678, 690 (citations omitted); *see also Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

125. Defendants-Respondents have not attempted to show any special justification or compelling governmental interest which would outweigh Plaintiff-Petitioner's constitutional liberty.

126. Defendant-Respondents have not determined Petitioner-Plaintiff to be flight risk or danger to the community or any other individualized factors; rather, they have unliterally deprived Plaintiff-Petitioner of his liberty based upon an erroneous reinterpretation of legal authority that strains credulity and runs against the grain of long-standing precedent, existing statutory and regulatory authority, and established agency policies and practices.

127. There are no significant governmental interest at stake related to Plaintiff-Petitioner's continued detention because his availability for removal proceedings may be secured by less restrictive means, i.e., bond, in light of the fact that Plaintiff-Petitioner is unquestionably neither a danger to any community nor a flight risk as well as the high likelihood he will succeed in obtaining favorable relief in his removal proceedings.

128. As a direct and proximate result of the violation of substantive due process rights alleged herein, Plaintiff-Plaintiff has suffered and will continue to suffer injury.

PRAYER FOR RELIEF

WHEREFORE Plaintiff-Petitioner respectfully requests the Court enter an Order: (1) mandating that Defendant-Respondents show cause, returnable within three (3) days pursuant to 28 U.S.C. § 2243, as to why the relief requested in this petition should not be granted; (2) issuing a writ of habeas corpus directing Defendants-Respondents to immediately release Plaintiff-Petitioner from custody under reasonable conditions of supervision or, in the alternative, to conduct a bond redetermination hearing or other individualized and constitutionally adequate hearing under 8 U.S.C. § 1226(a) as applied to Plaintiff-Petitioner wherein Defendant-Respondents must demonstrate that continued detention is justified; (3) recording judgment against Defendants-Respondents as to Counts I-VI (4) declaring Plaintiff-Petitioner's continued detention to be contrary to law, arbitrary and capricious, and violative of the Fifth Amendment of the U.S. Constitution; (5) awarding Plaintiff-Petitioner his reasonable costs and attorneys' fees incurred in this action in accordance with the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(2); and (6) granting such other and further relief as this Court deems appropriate, just, or equitable under the circumstances.

Date: February 20, 2026

Respectfully submitted,

MUBARAK LAW, PLLC

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VERIFICATION BY SOMEONE ACTING ON
PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

In accordance with 28 U.S.C. § 2242, undersigned counsel hereby submits this verification on behalf of the Plaintiff-Petitioner Darvin Crisler Coronado Coronado because I am Plaintiff-Petitioner's legal counsel. I have discussed with Plaintiff-Petitioner and/or his Family the events described in the foregoing Petition. Based on those discussions as well as documents provided to me by Plaintiff-Petitioner's legal counsel in immigration proceedings, pursuant to 28 U.S.C. § 1746, I hereby verify under penalty of perjury, that I have reviewed the foregoing and the facts stated therein are true and accurate to the best of my knowledge and belief, and the Exhibits filed herewith are true, accurate, and authentic.

/s/ Nayef A. Mubarak
NAYEF A MUBARAK, ESQ.
Counsel for Plaintiff-Petitioner

NOTICE OF DESIGNATION OF
LEAD COUNSEL FOR PLAINTIFF-PETITIONER

In accordance with Local Rule 2.02(a), notice is hereby given that undersigned attorney, Nayef A. Mubarak, is designated and will serve as Lead Counsel for Plaintiff-Petitioner Darvin Crisler Coronado Coronado in the above captioned action.

/s/ Nayef A. Mubarak
NAYEF A MUBARAK, ESQ.
Counsel for Plaintiff-Petitioner

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13	'This Job Sucks': Government Lawyers, Drowning in Immigration Cases, Have Had It, Politico (Feb. 4, 2026) https://www.politico.com/news/2026/02/04/trump-ice-minnesota-prosecutors-immigration-00765031