

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

Itzel Alvarez Quintana,

Petitioner,

v.

Case No. 26-cv-420

**VERIFIED PETITION
FOR WRIT OF HABEAS
CORPUS**

Joel GARCIA, Field Office Director of
Enforcement and Removal Operations, El Paso
Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND SECURITY;
Pamela BONDI, U.S. Attorney General;
Todd LYONS, Acting Director and Senior
Official Performing the Duties of the Director
of U.S. Immigration and Customs Enforcement;
Dora CASTRO, Warden of the Otero County
Processing Center; in their official capacities,

Respondents.

INTRODUCTION

1. Petitioner Itzel Alvarez Quintana is in the physical custody of Respondents at the Otero County Processing Center. She has now been unlawfully detained and separated from her two-year-old U.S. citizen daughter for over a month because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have improperly concluded Petitioner is subject to mandatory detention. Her present unlawful detention comes on top of Petitioner's childhood where she was [REDACTED] far from her family.

2. DHS initially denied Petitioner's release from her present immigration custody because of a new DHS policy issued on July 8, 2025, instructing all ICE employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

3. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedential decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

4. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject

to detention pursuant to a different statute, 8 U.S.C. § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

5. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

6. Further, Petitioner Alvarez Quintana is a class member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).

7. On November 20, 2025, the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

8. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

10. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be released from custody, be provided a bond hearing by Respondents or, in the alternative, that this Court conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a).

JURISDICTION

11. Petitioner Alvarez Quintana is in the physical custody of Respondents. Petitioner is detained at the Otero County Processing Center in Chaparral, New Mexico.

12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of New Mexico, the judicial district in which Petitioner is currently detained.

15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of New Mexico.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an

order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

17. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

18. Petitioner **Itzel Alvarez Quintana** is a citizen of Mexico who has been in immigration detention since January 9, 2026. After arresting Petitioner in El Paso, Texas at a routine ICE check in, ICE did not set bond.

19. Respondent **Joel Garcia** is the Director of the El Paso Field Office of ICE’s Enforcement and Removal Operations division. As such, Mr. Garcia is Petitioners’ immediate custodian and is responsible for Petitioners’ detention and removal. He is named in his official capacity.

20. Respondent **Kristi Noem** is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioners’ detention. Ms. Noem has ultimate custodial authority over Petitioners and is sued in her official capacity.

21. Respondent **Department of Homeland Security** (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

22. Respondent **Pamela Bondi** is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

23. Respondent **Todd Lyons** is named in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement. As such, he is a legal custodian of Petitioners.

24. Respondent **Dora Castro** is employed by Management and Training Corporation (MTC) as Warden of the Otero County Processing Center, where Petitioner is detained. She has immediate physical custody of Petitioner. She is sued in her official capacity.

LEGAL FRAMEWORK

Detention under the INA

25. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

26. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

27. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

28. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

29. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

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

31. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

32. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “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 that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

33. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

34. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”¹ claims that all persons who entered the United States without inspection shall now be subject to the mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

35. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings. 29 I. & N. Dec. 216 (BIA 2025).

36. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA’s detention authorities. Court after court has adopted the same reading of the INA’s detention authorities and rejected ICE and EOIR’s new interpretation, including judges in the District of New Mexico and other District Courts in the Tenth Circuit. *See Salazar v. Dedos*, No. 1:25-cv-00835-DHU-JMR, 2025 WL 2676729, at *4 (D.N.M. Sept. 17, 2025) (“It is clear that § 1226, not § 1225, should have governed Petitioner’s

¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

detention from the outset. As stated by the Supreme Court, ‘U.S. immigration law authorizes the Government to detain certain [noncitizens] *seeking admission* into the country under §§ 1225(b)(1) and (b)(2)’ and to “detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings under §§1226(a) and (c).” (citing *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)) (emphasis and alteration in *Salazar*); *Artola Arauz v. Baltazar*, No. 1:25-cv-03260-CNS, 2025 WL 3041840, at *3 (D. Colo. Oct. 31, 2025) (“Simply put, because Petitioner has lived in the United States for nearly 40 years and was not detained while attempting to enter the country, he is improperly subject to mandatory detention under § 1225(b)(2)(A) and should instead be detained under § 1226(a), consistent with Respondents’ initial determination and the plain text, legislative history, and past practices of the statutes at issue.”); *Loa Caballero v. Baltazar*, No. 1:25-cv-03120-NYW, 2025 WL 2977650, at *8 (D. Colo. Oct. 22, 2025) (“As another district court has observed, Respondents’ interpretation of § 1225 is ‘contrary to the agency’s own implementing regulations; its published guidance; the decisions of its immigration judges (until very recently); decades of practice; the Supreme Court’s gloss on the statutory scheme; and the overall logic of our immigration system.’ The Court joins the numerous courts across the country that have held that petitioners like Mr. Loa Caballero are subject to the discretionary detention framework of § 1226(a).” (quoting *Romero v. Hyde*, --- F. Supp. 3d ----, 2025 WL 2403827, at *9 (D. Mass. Aug. 19, 2025)); *Moya Pineda v. Baltasar*, No. 1:25-cv-02955-GPG, ECF No. 21, at 3 (D. Colo. Oct. 20, 2025) (“Because Petitioner was not detained while attempting to enter the country and does not have other circumstances that would subject him to mandatory detention, Petitioner is not subject to § 1225(b)(2)(A)’s mandatory detention provision, nor does he fall outside of § 1226(a)’s discretionary detention provision based on any § 1226(c) exceptions and Respondents were wrong

to detain him without an opportunity to seek release on bond. At bottom, the Court agrees with other courts that have, against substantially similar factual backgrounds, concluded that detention without a bond hearing amounts to a due process violation.”) (internal citations and quotations omitted); *Garcia Cortes v. Noem*, No. 1:25-CV-02677-CNS, 2025 WL 2652880, at *1 (D. Colo. Sept. 16, 2025) (“The Court agrees with Petitioner that Respondents are wrong to conclude that his detention is mandatory under § 1225.”). Even outside the Tenth Circuit, as Judge Nina Y. Wang of the District of Colorado noted, “federal district courts have overwhelmingly rejected Respondents’ ‘broad interpretation of section 1225(b)(2).’” *Loa Caballero*, 2025 WL 2977650, at *5 (citing *Chogllo Chafra v. Scott*, No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *5 (D. Me. Sept. 22, 2025) (collecting cases); *Ochoa Ochoa v. Noem*, No. 25-cv-10865, 2025 WL 2938779, at *5 n.8 (N.D. Ill. Oct. 16, 2025) (collecting cases)).

37. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

38. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

39. The text of § 1226 also explicitly applies 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 such people makes clear that, by default, such people are afforded a bond hearing under subsection (a).

40. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

41. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

42. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people, like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

Membership in Maldonado Bautista class

43. On November 20, 2025, the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond

Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners’ Motion for Partial Summary Judgment).

44. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

45. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

46. Petitioner Alvarez Quintana is a member of the Bond Eligible Class, as she:

- a. does not have lawful status in the United States and is currently detained at the Otero County Processing Center. She was detained by immigration authorities on January 11, 2026;
- b. entered the United States without inspection around 20 years ago and was not apprehended upon arrival, and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

47. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

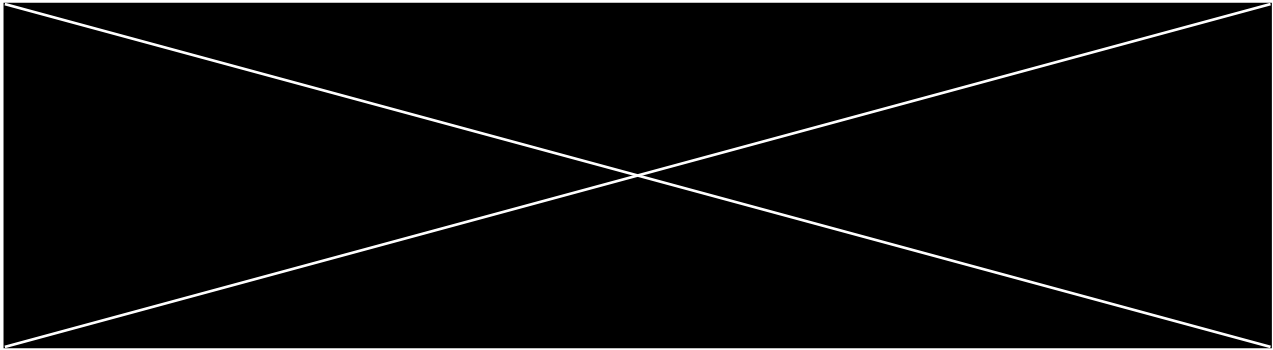
48. Nevertheless, Respondents continue to flagrantly defy the judgment in that case. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with

respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

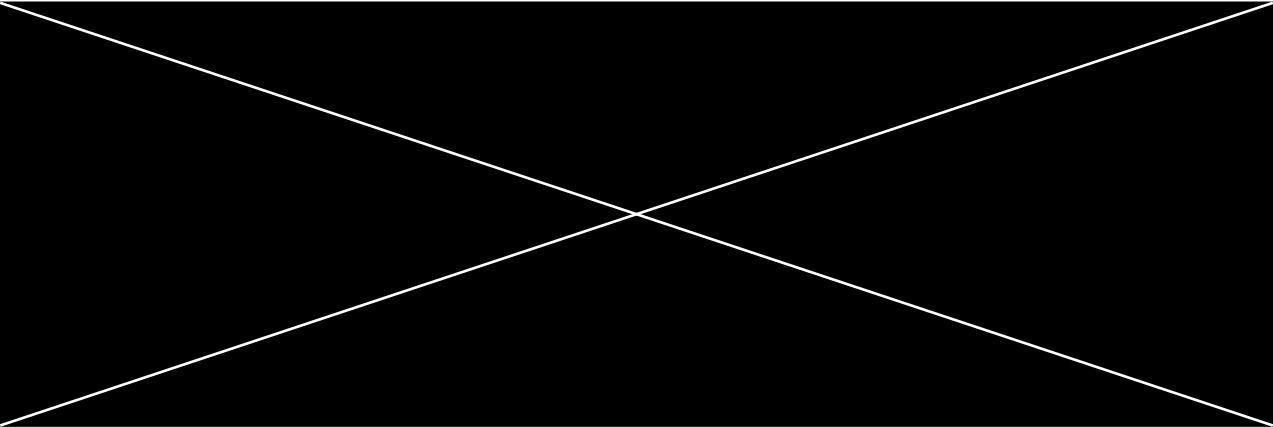
FACTS

49. Petitioner Alvarez Quintana is a 20-year-old single mother. Around 2007, when Petitioner was an infant, her mother brought her from Mexico to the United States. She has resided in El Paso, Texas for almost her entire life.

50. Beginning as a child, Petitioner survived an unrelenting regime of abuse.



51. When she was  Petitioner was a victim of sex trafficking. 



drop her off near her mother's house. About a week later, Petitioner, with the help of her mother, called the police and told the officers everything that happened.

52. When Petitioner was 16 years old and living with her mother and siblings, Petitioner's landlord reported her family to ICE. When ICE officers arrived at the home, Petitioner was the only person there who was undocumented, as her younger siblings are U.S. citizens. ICE arrested Petitioner and she was taken to a children's detention facility near Tucson, Arizona. She was eventually released and went home to live with her mother. Following her arrest, ICE issued a Notice to Appear and she was eventually placed in removal proceedings in the El Paso Immigration Court. She also began attending regularly scheduled ICE check-ins.

53. Around the time Petitioner was released from the detention facility in Arizona, when Petitioner was still 16 years old, she began a relationship with a 27-year-old man. He was often aggressive with Petitioner and would sometimes refuse to let her go home. Shortly after they started dating, Petitioner found out that she was pregnant, and her daughter was born in August 2023. Almost immediately after the child was born, Petitioner's ex-partner disappeared and has not provided Petitioner with any support in raising their daughter.

54. Petitioner has been the sole provider and caregiver for her daughter, and she has worked hard to make sure the child is well cared for. Over the past year, Petitioner worked as a waitress at La Central Bakery and was recently promoted to become a cook there before she was detained.

55. On January 9, 2026, Petitioner attended one of her regularly scheduled check-ins with ICE. At the check-in, ICE arrested Petitioner and took her to the Otero County Processing Center, where she remains today.

56. DHS placed Petitioner in removal proceedings before the Otero Immigration Court pursuant to 8 U.S.C. § 1229a. ICE charged Petitioner with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

57. Following Petitioner's arrest and transfer to the Otero County Processing Center, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions. As a result, Petitioner remains in detention.

58. Petitioner is in the process of for applying for cancellation of removal for non-permanent residents and a T Visa for survivors of human trafficking.

59. Petitioner's detention has had a devastating impact on her family, and in particular her two-year-old daughter, whom she has never been separated from before. Petitioner's family has informed her that in her absence, Petitioner's daughter cries constantly and asks for her mother. Without relief from this Court, she faces the prospect of many more months, or even years, in immigration custody, separated from her family and community.

CLAIMS FOR RELIEF

COUNT I

Violation of the Immigration and Nationality Act (INA)

60. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

61. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing

in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

62. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates the INA.

COUNT II

Violation of the Bond Regulations

63. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

64. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) **will be eligible for bond and bond redetermination.**” 62 Fed. Reg. 10323 (Mar. 6, 1997) (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

65. Nonetheless, pursuant to *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), Respondents have a policy and practice of applying § 1225(b)(2) to individuals like Petitioner.

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

COUNT III

Violation of Due Process

67. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

68. The government may not deprive a person of life, liberty, or property 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 the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

69. Petitioner has a fundamental interest in liberty and being free from official restraint.

70. The government’s detention of Petitioner, through Respondents, without a bond redetermination hearing before an Immigration Judge to determine whether he is a flight risk or danger to others violates her right to due process under the law under the Fifth Amendment to the United States Constitution.

COUNT IV

Violation of the INA

Request for Relief Pursuant to Maldonado Bautista

71. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs.

72. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

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

74. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

75. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the District of New Mexico while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner on her own recognizance, that Respondents provide a bond hearing to Petitioner pursuant to 8 U.S.C. § 1226(a) within seven days, or that this Court conduct a bond hearing for Petitioner within seven days;
- e. Declare that Petitioner’s detention is unlawful;
- f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

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

DATED this 16th of February, 2026.

/s/ Zoe Bowman
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Attorneys for Petitioners

Verification by Someone Acting on Petitioners' Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am the Petitioners attorney. I have discussed with Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Zoe Bowman
Zoe Bowman

Date: February 16, 2026