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

YASIEL ACOSTA-SILVA)
)
Petitioner,)
)
)
v.)
)
WARDEN of the KROME NORTH SERVICE)
PROCESSING CENTER; GARRETT RIPA,)
FIELD OFFICE DIRECTOR of the)
IMMIGRATION AND CUSTOMS)
ENFORCEMENT'S ENFORCEMENT and)
REMOVAL OPERATIONS)
MIAMI FIELD OFFICE; TODD LYONS,)
in his official Capacity as Acting Director of)
Immigration and Customs Enforcement;)
KRISTI NOEM, in her official capacity as)
Secretary of the Department of Homeland)
Security; and PAMELA BONDI, in her official)
capacity as Attorney General.)
)
Respondents)

Case No:

Agency File: 

**PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR ORDER TO
SHOW CAUSE**

INTRODUCTION

1. Petitioner, Yasiel Acosta-Silva, has been in detention since September 2025, and remains in custody currently at the Krome North SPC, 18201 S.W. 12th St. Miami, FL 33194.

2. On or about September 2025, Petitioner was detained by officers of U.S. Immigration and Customs Enforcement (“ICE”) at a checkpoint in the Florida Keys while traveling for a work assignment. At the time of the stop, Petitioner had not committed any traffic violations nor engaged in any unlawful conduct that would otherwise have justified his detention.

3. Mr. Acosta-Silva faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

4. Petitioner is charged with, *inter alia*, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

5. Based on this allegation in Petitioner’s removal proceedings, DHS denied Petitioner’s release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (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.

6. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent 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.

7. 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 a different statute, § 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.

8. 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.

9. Absent an order from this Court, Petitioner will continue to suffer irreparable harm caused by his unlawful detention and violation of his constitutional rights.

10. To remedy this, Mr. Acosta-Silva asks this Court to, under 28 U.S.C. § 2241, issue a writ of habeas corpus directing Respondents to release Mr. Acosta-Silva because his continued confinement violates procedural due process, and substantive due process.

11. Mr. Acosta-Silva requests this Court to order Respondents to show cause demonstrating why he should not be released within three days, or request an Immigration Judge to order a bond hearing under § 1226(a) within seven days.

I. JURISDICTION

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

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201, and the All Writs Act, 28 U.S.C. § 1651.

II. VENUE

15. Venue is proper in this district pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Mr. Acosta-Silva is detained at Krome North SPC, 18201 S.W. 12th St. Miami, FL 33194 within the Southern District of Florida, and Petitioner's immediate physical custodian is in this District.

III. REQUIREMENTS OF 28 U.S.C. § 2243

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

17. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

IV. PARTIES

18. Petitioner, Mr. Acosta Silva, is currently detained at the Krome North SPC, 18201 S.W. 12th St., Miami, FL 33194. Mr. Acosta-Silva is in the custody and under the direct control of Respondents and their agents.

19. Respondent, Warden of the Krome North Processing Center, is named in his official capacity as the Krome North Processing Center. In this capacity, he is responsible for the immediate execution of detention over Petitioner and is the immediate custodian of Petitioner. Respondent's address is Krome North SPC, 18201 S.W. 12th St. Miami, FL 33194.

20. Respondent, Garrett J. Ripa, is named in his official capacity as Miami Field Office Director of the ICE Enforcement & Removal Operations ("ERO"). In this capacity, he is responsible for the administration of immigration laws and the execution of immigration confinement and the institution of removal proceedings in Miami, Florida, which is the jurisdiction where Mr. Acosta-Silva is confined. As such, he is a custodian of Mr. Acosta-Silva. Respondent Ripa's address is 865 SW 78th Avenue, Suite 101, Plantation, FL 33324

21. Respondent, Todd Lyons, is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States and is legally responsible for pursuing any effort to remove Mr. Acosta-Silva and confine him pending removal. As such, he is a custodian of Mr. Acosta-Silva. His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

22. Respondent, Kristi Noem, is named in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); is legally responsible for pursuing any

effort to confine and remove the Petitioner; and as such is a custodian of Mr. Acosta-Silva.

Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

23. Respondent, Pamela Bondi, is named in her official capacity as Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g); and as such is a custodian of Mr. Acosta-Silva. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, W, Washington, DC 20530-0001.

V. FACTUAL BACKGROUND

24. Petitioner is a native and citizen of Cuba. Mr. Acosta-Silva entered the United States on or about July 4, 2019.

25. On July 23, 2019, an immigration officer conducted a credible fear interview of the Petitioner. Petitioner was found credible and established a fear of persecution if he were to be returned to his native country of Cuba.

26. Petitioner remained detained at La Palma Correctional Center in Arizona until an Immigration Judge granted his release on bond in the amount of \$15,000 on August 22, 2019. The bond was posted on or about August 29, 2019, and Petitioner was released from custody.

27. Following his release, Petitioner was ordered to appear before an Immigration Judge in Miami, Florida, on February 25, 2020.

28. Petitioner filed his Form I-589, *Application for Asylum and for Withholding of Removal, and CAT Protection*, on about June 2020, with USCIS, which was never adjudicated by USCIS, however, remained pending before the Miami Immigration Court.

29. Throughout the pendency of his removal proceedings, Petitioner appeared at all scheduled Immigration Court hearings and complied with all reporting requirements and immigration appointments.

30. On June 21, 2024, the Immigration Judge dismissed Petitioner's removal proceedings without prejudice.

31. On or about September 2025, Petitioner was again taken into custody by DHS and remains detained.

32. The Petitioner was detained by ICE officers at a checkpoint in the Florida Keys while traveling for a work assignment. At the time of the stop, the Petitioner had not committed any traffic violations nor engaged in any unlawful conduct that would have otherwise justified the detention.

33. Petitioner has no criminal history in the United States, nor in any country in the world.

34. On January 30, 2026, the Petitioner, through the undersigned, requested a Bond Redetermination Request with the Miami Krome Immigration Court. On February 5, 2026, Immigration Judge Romy Lerner denied the Bond Redetermination Request because "the Court lacks jurisdiction". *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

VI. LEGAL FRAMEWORK

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

36. 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).

37. 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).

38. 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).

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

40. 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. 6104–208, 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, 8139 Stat. 3 (2025).

41. 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).

42. 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)).

43. 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.

44. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to 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.

45. 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.

46. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

47. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not

apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

48. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d---, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ---, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL

2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

49. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

50. 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].”

51. 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). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7. 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.

52. 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).

53. 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.

VII. CLAIMS FOR RELIEF

COUNT ONE

Statutory Violation

54. Mr. Acosta-Silva re-alleges and incorporates by reference, as if fully set forth herein.

55. Respondents lack statutory authority to detain Mr. Acosta-Silva under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1), because that statute requires that the individual be an “arriving alien” (8 U.S.C. § 1225(b)(1)(A)(i), INA § 235(b)(1)(A)(i)) or fall within specific designations (8 U.S.C. § 1225(b)(1)(A)(iii), INA § 235(b)(1)(A)(iii)), and be inadmissible under 8 U.S.C. §§ 1182(a)(6)(C) or 1182(a)(7), INA §§ 212(a)(6)(C), (a)(7).

56. As Mr. Acosta-Silva does not meet these criteria, his detention must be governed by 8 U.S.C. § 1226(a), INA § 236(a), which provides discretionary detention authority and requires ICE to make an individualized custody determination.

57. Under § 1226(a), individuals may be detained as a matter of discretion, released on their own recognizance, or released on bond of at least \$1,500.

58. Respondents' failure to apply the correct statutory framework violates the INA and exceeds the government's detention authority.

59. Thus, Mr. Acosta-Silva respectfully requests that this Court order his release from detention under 8 U.S.C. § 1226(a), INA § 236(a), for the duration of his removal proceedings under 8 U.S.C. § 1229a, INA § 240. Alternatively, he requests that this Court order a constitutionally adequate bond hearing complying with the procedural requirements in *Singh*.

COUNT TWO

Violation of the Procedural Due Process Clause of the Fifth Amendment to the U.S. Constitution.

60. Mr. Acosta-Silva re-alleges and incorporates by reference, as if fully set forth herein.

61. Mr. Acosta-Silva's continued detention without any bond hearing violates his right to due process under the Fifth Amendment.

62. When the Government interferes with a liberty interest, "the procedures attendant upon that deprivation [must be] constitutionally sufficient." *Ky. Dep't of Corr. v. Thompson*, 490 U.S. 454, 460 (1989). The constitutional sufficiency of procedures is determined by weighing three factors: (1) the private interest that will be affected by the official action, (2) the risk of erroneous deprivation of that interest through the available procedures, and (3) the Government's interest. *See Mathews v. Eldridge*, 424 U.S. 319,335 (1976).

63. Freedom from imprisonment, including government detention, is central to the liberty protected by the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Mr. Acosta-Silva has a substantial personal interest given that his interest is his freedom from

arbitrary government detention, the liberty that "lies at the heart of the [Due Process] Clause protects". *See id.*

64. The risk of an erroneous deprivation of Mr. Acosta-Silva's liberty under the current procedures is extraordinarily high. At the time DHS unlawfully detained him, Mr. Acosta-Silva was actively pursuing claims for asylum, withholding of removal, and protection under the CAT, which are claims that implicate serious statutory and constitutional protections. Outside of this Petition for Writ of Habeas Corpus, Mr. Acosta-Silva has no access to a court with jurisdiction to review the legality of his detention or the Government's failure to initiate proper removal procedures.

65. The Government's interest in Mr. Acosta-Silva's continued detention is minimal under the current circumstances. While the Government generally has a legitimate interest in enforcing immigration laws and effectuating removal for individuals with final orders, that interest does not extend to detaining individuals indefinitely without any legal basis. Mr. Acosta-Silva was previously released after his entry into the United States and complied fully with all reporting and court appearance obligations during the pendency of his §240 removal proceedings. He also affirmatively sought immigration relief in the form of asylum, withholding of removal, and CAT protection. At present, there is no final order of removal against him. Thus, the Government's interest in detaining Mr. Acosta-Silva, absent any operative legal process, is not only weak but constitutionally insufficient to justify depriving him of his liberty without adequate procedural protections.

66. Thus, Petitioner's detention violates procedural due process.

COUNT THREE

Violation of the Substantive Due Process Clause of the Fifth Amendment to the U.S.

Constitution

67. The allegations in the above paragraphs are realleged and incorporated herein.

68. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

69. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693 (2001).

70. Civil immigration detention violates due process if it is not reasonable related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). With respect to immigration confinement, the Supreme Court has recognized two special justifications: (1) preventing flight and (2) preventing danger to the community. *See id.* at 690.

71. Preventing flight, which is meant to ensure compliance with court appearances, is not a legitimate concern in Mr. Acosta-Silva's case. He has never demonstrated any indication of being a flight risk, as shown by his consistent compliance with all reporting requirements and court appearances throughout the duration of his § 240 removal proceedings. In fact, Mr. Acosta-Silva was detained by ICE without any legal justification. Mr. Acosta-Silva was actively pursuing legal avenues to regularize his immigration status, disrupting a lawful process in which he was fully engaged. Under these circumstances, continued detention cannot be justified on the basis of flight prevention.

72. Petitioner is no danger to society, as evidenced by the fact that he has had NO contacts with law enforcement.

73. Petitioner's detention appears to be purely punitive as it bears no "reasonable relation" to any legitimate government purpose. *See Zadvydas*, 533 U.S. at 690. (finding immigration detention is civil and thus assumed to be "nonpunitive in purpose and effect").

74. Thus, Petitioner's detention violates substantive due process.

COUNT FOUR

Release Pending Determination

75. The allegations in the above paragraphs are realleged and incorporated herein.

76. As part of this Court's authority under the All-Writs Act, the habeas corpus statute, and its inherent equitable authority to preserve the Court's authority, the Court may order the release of Mr. Acosta-Silva on bond during the pendency of these proceedings. *Calley v. Callaway*, 496 F.2d 701, 702 (5th Cir. 1974). Such release is proper when the Petitioner (1) has raised substantial constitutional claims with a high probability of success; and (2) where exceptional circumstances exist. *Calley*, 496 F.2d at 702 & n.1.

77. Mr. Acosta-Silva is not a flight risk and does not pose any danger to the community, therefore the Government has no legitimate interest in his continued detention that could outweigh the daily harm and constitutional violations that his continued detention inflicts.

78. Here, Mr. Acosta-Silva has presented substantial constitutional claims challenging his unjust detention. Extraordinary circumstance, such as Mr. Acosta-Silva's re-detention without any active Order of Removal, exists making Mr. Acosta-Silva's release essential for the remedy to be effective.

VIII. 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 pursuant to 28 U.S.C. § 2243, directing Respondents to show cause why the petition for a writ of habeas corpus filed by Mr. Acosta-Silva pursuant to 28 U.S.C. § 2241 should not be granted within three days;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (4) In the alternative, grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody under reasonable conditions of supervision;
- (5) Declare that Petitioner's detention violates the Procedural Due Process Clause of the Fifth Amendment;
- (6) Declare that Petitioner's detention violates the Substantial Due Process Clause of the Fifth Amendment; and Grant any further relief this Court deems just and proper.

Respectfully submitted,

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

I represent Petitioner, Yasiel Acosta-Silva, 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 16th day of February 2026.

Is/Avelino J. Gonzalez
Avelino J. Gonzalez
Counsel for Petitioner