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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

**Sukhbir Singh Gujral,**

Petitioner,

v.

**Vernon Liggins**

*in her official capacity as Acting Field Office  
Director in charge of ICE Baltimore Field  
Office as well as Warden, Worcester County  
Detention Center*

**Pamela Jo Bondi**

*U.S. Attorney General*

**Kristi Noem**

*Secretary of the U.S. Department of Homeland  
Security*

**Todd M. Lyons**


*in his official capacity as Acting Director of  
U.S. Immigration and Customs Enforcement*

Respondents.

Action No. 1:26-cv-656

**WRIT OF HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner, Sukhbir Singh Gujral, , is in physical custody of  
3 Respondents in Maryland. He now faces unlawful detention because the Department of  
4 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have  
5 concluded Petitioner is subject to mandatory detention.

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

8 3. Based on this allegation in Petitioner’s removal proceedings, DHS denied  
9 Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8,  
10 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone  
11 inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without  
12 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and  
13 therefore ineligible to be released on bond.

14 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or  
15 Board) issued a precedent decision, binding on all immigration judges, holding that an  
16 immigration judge has no authority to consider bond requests for any person who entered the  
17 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).  
18 The Board determined that such individuals are subject to detention under 8 U.S.C. §  
19 1225(b)(2)(A) and therefore ineligible to be released on bond.

20 5. Petitioner’s detention on this basis violates the plain language of the Immigration  
21 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who  
22 previously entered and are now residing in the United States. Instead, such individuals are  
23 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.

1 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for  
2 having entered the United States without inspection.

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

6 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
7 unless Respondents provide a bond hearing under § 1226(a) within seven days.

8 **JURISDICTION**

9 8. Petitioner is in the physical custody of Respondents. Petitioner is detained in  
10 Maryland.

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

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

16 **VENUE**

17 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
18 500 (1973), venue lies in the United States District Court of Maryland, the judicial district in  
19 which Petitioner currently is detained.

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



1 Detention Center. As such, Vernon Liggins is Petitioner's immediate custodian and is  
2 responsible for Petitioner's detention and removal. She is named in her official capacity.

3 18. Respondent Kristi Noem is the Secretary of the Department of Homeland  
4 Security. She is responsible for the implementation and enforcement of the Immigration and  
5 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.  
6 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

7 19. Respondent Pamela Bondi is the Attorney General of the United States. She is  
8 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
9 and the immigration court system it operates is a component agency. She is sued in her official  
10 capacity. The Executive Office for Immigration Review (EOIR) is the federal agency responsible  
11 for implementing and enforcing the INA in removal proceedings, including for custody  
12 redeterminations in bond hearings.

### 13 LEGAL FRAMEWORK

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

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

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

24

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

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

4 25. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
5 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.  
6 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section  
7 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,  
8 139 Stat. 3 (2025).

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

14 27. Thus, in the decades that followed, most people who entered without inspection  
15 and were placed in standard removal proceedings received bond hearings, unless their criminal  
16 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent  
17 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”  
18 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)  
19 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply  
20 “restates” the detention authority previously found at § 1252(a)).

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

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

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

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

13          32.     Even before ICE or the BIA introduced these nationwide policies, IJs in the  
14 Tacoma, Washington, immigration court stopped providing bond hearings for persons who  
15 entered the United States without inspection and who have since resided here. There, the U.S.  
16 District Court in the Western District of Washington found that such a reading of the INA is  
17 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not  
18 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d  
19 1239 (W.D. Wash. 2025).

20          33.     Subsequently, court after court has adopted the same reading of the INA’s  
21 detention authorities and rejected ICE and EOIR’s new interpretation. *See, e.g., Gomes v. Hyde*,  
22 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,

23 \_\_\_\_\_  
24 <sup>1</sup> Available at <https://www.aifa.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);  
2 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,  
3 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL  
4 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025  
5 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,  
6 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-  
7 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-  
8 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),  
9 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-  
10 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-  
11 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-  
12 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
13 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*  
14 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);  
15 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,  
16 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.  
17 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.  
18 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.  
19 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2  
20 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §  
21 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL  
22 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-  
23 RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same).

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

4 35. Section 1226(a) applies by default to all persons "pending a decision on whether  
5 the [noncitizen] is to be removed from the United States." These removal hearings are held under  
6 § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

7 36. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
8 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
9 (E)'s reference to such people makes clear that, by default, such people are afforded a bond  
10 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress  
11 creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions,  
12 the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*  
13 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025  
14 WL 1869299, at \*7.

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

18 38. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
19 recently entered the United States. The statute's entire framework is premised on inspections at  
20 the border of people who are "seeking admission" to the United States. 8 U.S.C.  
21 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme  
22 applies "at the Nation's borders and ports of entry, where the Government must determine  
23  
24

1 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583  
2 U.S. 281, 287 (2018).

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

6 40. Petitioner is being irreparably harmed by his ongoing unlawful detention without  
7 a bond hearing.

8 41. The Immigration Court lacks jurisdiction to adjudicate the constitutional claims  
9 raised by Petitioner, and any attempt to raise such claims would be futile. *See Flores-Powell*,  
10 677 F. Supp. 2d at 463 (holding “exhaustion is excused by the BIA’s lack of authority to  
11 adjudicate constitutional questions and its prior interpretation” of the relevant statute).

12 42. There is no statutory requirement for Petitioner to exhaust administrative  
13 remedies. Accordingly, there is no requirement for Petitioner to further exhaust administrative  
14 remedies before pursuing this Petition. *See Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74,  
15 (1<sup>st</sup> Cir. 1997) (explaining that, where statutory exhaustion is not required, administrative  
16 exhaustion not required in situations of irreparable harm, futility, or predetermined outcome).

### 17 **FACTS**

18 43. Petitioner has resided in the United States since the year 2024.

19 44. Petitioner’s is pursuing immigration relief. He cannot be deported without being  
20 given an opportunity to present his case in front of the immigration judge.

21 45. Petitioner is the primary breadwinner, and his detention prevents the family from  
22 meeting their financial needs.

1 46. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
2 Petitioner's bond request.

3 **CLAIMS FOR RELIEF**

4 **COUNT I**  
5 **Violation of the INA**

6 47. Petitioner incorporates by reference the allegations of fact set forth in the  
7 preceding paragraphs.

8 48. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all  
9 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As  
10 relevant here, it does not apply to those who previously entered the country and have been  
11 residing in the United States prior to being apprehended and placed in removal proceedings by  
12 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to  
13 § 1225(b)(1), § 1226(c), or § 1231.

14 49. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
15 detention and violates the INA.

16 **COUNT II**  
17 **Violation of the Bond Regulations**

18 50. Petitioner incorporates by reference the allegations of fact set forth in preceding  
19 paragraphs.

20 51. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-  
21 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.  
22 Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the  
23 agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present  
24 without having been admitted or paroled (formerly referred to as [noncitizens] who entered

1 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323  
2 (emphasis added). The agencies thus made clear that individuals who had entered without  
3 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §  
4 1226 and its implementing regulations.

5 52. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and  
6 practice of applying § 1225(b)(2) to individual like Petitioner.

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

9 **COUNT III**  
10 **Violation of Due Process**

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

13 55. The government may not deprive a person of life, liberty, or property without due  
14 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government  
15 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the  
16 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

17 56. Petitioner has a fundamental interest in liberty and being free from official  
18 restraint.

19 57. The government’s detention of Petitioner without a bond determination hearing to  
20 determine whether he is a flight risk or danger to others violates his right to due process.

21 **PRAYER FOR RELIEF**

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

23 a. Assume jurisdiction over this matter;

- 1 b. Order that Petitioner shall not be transferred outside Maryland while this habeas  
2 petition is pending;
- 3 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
4 Petition should not be granted within three days or immediate release;
- 5 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
6 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
7 1226(a) within seven days;
- 8 e. Declare that Petitioner's detention is unlawful;
- 9 f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
10 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
11 law; and
- 12 g. Grant any other and further relief that this Court deems just and proper.

13 DATED this 17th day of February, 2026.

14 **Respectfully Submitted,**

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